

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Spartanburg County

Honorable Brian M. Gibbons, Circuit Court Judge

DANIEL S MEANS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-000502

APPENDIX

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State of South Carolina	)	
	)	
County of Spartanburg	)	
The State of South	)	2019-GS-42-00917,
Carolina,	)	2019-GS-42-00917A,
	)	2019-GS-40-0918,
Plaintiff,	)	2019-GS-40-0918A
	)	
v.	)	
	)	
Daniel Shaquan Deonte	)	Transcript
Means,	)	
	)	of
Defendant.	)	
	)	Trial and Guilty
	)	Plea Hearing
	)	
	)	
	)	
	)	

Dates: May 24 & 25, 2021

Time: Start: 10:03 a.m. - May 24, 2021

End: 12:09 p.m. - May 25, 2021

Locations:

Jury Selection: Spartanburg Memorial Auditorium 385 N.

Church St. Spartanburg, SC 29303

Pretrial Motions & Guilty Plea Hearing: Spartanburg

County Courthouse 180 Magnolia St., Spartanburg, SC

29306

Reported by
Amber Payne, CVR

APPEARANCES

Presiding: The Honorable Grace Gilchrist Knie

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Also Present: Clerk of Court: Amy Cox
Deputy Clerk of Court: Tanya Camp

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1 PROCEEDINGS

2 START OF DAY 1 - MAY 24, 2021

3 (On the record at 10:03 a.m.)

4 THE BAILIFF: All rise and come to order,
5 please. The Seventh Circuit Court of
6 Spartanburg County is now in session. The
7 Honorable Grace Knie presiding. Remain
8 standing, please.

9 Be seated, please.

10 INTRODUCTORY REMARKS BY THE COURT

11 THE COURT: Hi. Good morning. Thank you all
12 for your patience. I am Judge Grace Knie. I
13 am a circuit court judge here in the Seventh
14 Judicial Circuit, Spartanburg County. It is
15 my pleasure to serve with you for this term of
16 court. We are having a term of General
17 Sessions Court, which means criminal court.
18 You have been called to serve this week in a
19 general sessions trial.

20 Now, please first, understand that
21 everyone here knows what an inconvenience it
22 is for you all to serve on a jury, but we
23 thank you for being here. We will do our best
24 to minimize your inconvenience, and,
25 hopefully, this will be an enjoyable and

1 educational experience for you all. It is my
2 understanding that you all have probably
3 already met the bailiffs -- the people in the
4 red jackets -- and they have shown you all --
5 given you direction on where to be this
6 morning and where to sit. I -- I do want to
7 introduce your Clerk of Court, Amy Cox, who is
8 right here, who is a problem solver in this
9 community and in this county, and she is the
10 one that facilitated the use of this building
11 for the purpose of -- she and some of the
12 other judges in the circuit -- not me, came up
13 this great idea to use this venue for jury
14 selection. And that has been a huge advantage
15 to us in the Seventh Circuit and in
16 Spartanburg County because it meant that,
17 unlike some of the other circuits in the
18 State, we've been able to go forward and have
19 jury trials, when some of the other folks just
20 have not been able to.

21 Now, what we're going to do in just a
22 minute, the clerk is going to swear you in,
23 and then you will -- the roll will be called
24 in which you will -- the clerk will give you
25 instructions on the information that's going

1 to be needed at that time. And then I am
2 going to give you -- I'm going to go over
3 several questions with you all and the purpose
4 of my questions is to determine, first, your
5 qualification to serve as jurors and the
6 second will be your eligibility to serve, all
7 right?

8 And so, now, I am going to turn this over
9 to your Clerk of Court, Mrs. Cox, who is going
10 to call the roll.

11 THE CLERK OF COURT: Thank you, Your Honor.
12 Could I get everyone to please stand and raise
13 your right hand. I'm going to swear you in.

14 (WHEREUPON, the jury pool was sworn.)

15 THE COURT: Okay. I will now look to the
16 clerk to call the roll.

17 (WHEREUPON, the Clerk of Court proceeded
18 with the roll call.)

19 THE CLERK OF COURT: (To a Juror) Thank you,
20 ma'am. Is there any one here whose name I did
21 not call?

22 THE JURY POOL: (No response.)

23 THE CLERK OF COURT: Thank you. Your Honor,
24 that's the roll.

25 JURY QUALIFICATIONS

1 THE COURT: Thank you. Okay. I just want to
2 make sure everybody can hear me. All right.
3 And so, now, as I explained earlier, I have
4 certain questions to ask you to determine your
5 qualifications as jurors in this court. These
6 questions will determine if you are qualified
7 to serve. State law requires that I ask these
8 questions. If any juror needs to respond to a
9 particular question, you will need to stand,
10 give your juror number first, and then your
11 name. It is absolutely essential that we have
12 accurate information.

13 Some of these questions are very
14 personal. If you do not wish to stand and
15 disclose this information openly in the
16 presence of your fellow jurors, I will give
17 you an opportunity to come forward at the end.
18 But be sure to remember to come forward at the
19 end if you do not stand when a question
20 requiring an -- an affirmative response from
21 you is asked. Now, please listen carefully to
22 these questions.

23 Number one: Is any member of the jury
24 panel not a citizen of the United States? If
25 so, please stand. No response.

1 Is any member of the jury panel not a
2 citizen and resident of Spartanburg County,
3 South Carolina? If so, please stand.

4 Is any member -- and there would be no
5 response to that.

6 Now, is any member of the jury panel
7 unable to read, write, speak, or understand
8 the English language? If so, please stand.
9 No response.

10 Does any member of the jury panel have
11 less than a sixth-grade education or its
12 equivalent? Please stand. No response.

13 Is any member of the jury panel unable --
14 because of or by reason of mental or physical
15 infirmities, unable to render efficient jury
16 service? For example, does any member of the
17 jury panel have any medical condition that
18 would prevent you from serving on the jury?
19 And by way of further explanation to you all,
20 we will start each day around nine or nine-
21 thirty. We will have a midmorning break,
22 usually about an hour and a half or an hour
23 and 15 minutes into the case, and then we will
24 have a lunch break midday for at least an
25 hour, probably longer for you all, an hour and

1 a half. And then in the afternoon, we will
2 have a midafternoon break, and I will do my
3 absolute best to conclude our business for you
4 all by five o'clock each day. Further, if you
5 by reason of -- you know, of achy back or
6 legs, if you need to stand some during the
7 trial, I will certainly hear you out on that
8 and -- and try to accommodate you as best we
9 can.

10 And so, understanding all of that, is any
11 member of the jury panel unable because of or
12 by reason of mental or physical infirmities
13 unable to render efficient jury service? If
14 so, please stand. And if -- if you all would
15 feel more comfortable coming down to talk with
16 me, we can talk over here at the court
17 reporter, okay? How about that? Okay.

18 THE CLERK: Excuse me. Sorry. All right.

19 THE BAILIFF: Number 107.

20 THE COURT: Juror Number 107.

21 (Bench conference with Juror Number 107.)

22 I am going to excuse Mr. Martin. Okay,
23 sir.

24 THE BAILIFF: Sixty-seven.

25 THE COURT: You're Juror Number 67?

1 (Bench conference with Juror Number 67.)

2 MS. GOODEN: Thank you.

3 THE COURT: Thank you for coming. And so I'm
4 excusing Juror Number 67. Okay.

5 THE BAILIFF: 123.

6 Number 28.

7 THE COURT: Okay, yes, sir.

8 (Bench conference with Juror Number 123.)

9 THE COURT: Juror Number 28 is going to stay
10 with us. Okay.

11 THE BAILIFF: Forty-two.

12 THE COURT: What's your name, please?

13 (Bench conference with Juror Number 42.)

14 All right. Juror Number 42 is going to
15 stay.

16 Okay. Thank you all. The next question
17 is: Has any member of the jury panel been
18 convicted by guilty plea or trial in a State
19 or Federal Court of Record of a crime
20 punishable by imprisonment for more than one
21 year, and your civil rights have not been
22 restored by pardon or amnesty? Punishable by
23 more than one year means that you could have
24 received a sentence of more than one year
25 regardless of the sentence you actually may

1 have received. Again, if you would prefer to
2 wait and come down at the end to discuss these
3 matters with me, I will ask you again in just
4 a moment, okay? But if you feel comfortable
5 standing now, you may stand. No response at
6 this time.

7 Is any member of the jury panel a clerk
8 or deputy clerk of court, constable, sheriff,
9 or other commissioned law enforcement officer,
10 probate judge, county commissioner,
11 magistrate, or other county officer or
12 employed within the walls of any courthouse?
13 If so, please stand. No response.

14 Is there any member of the jury panel who
15 has previously served on jury duty in circuit
16 court, not magistrates' court, municipal
17 court, or federal court, during the last
18 calendar year? If so, please stand. No
19 response.

20 Has any member of the jury panel served
21 as a member of the Spartanburg County Grand
22 Jury during the past several years? If so,
23 please stand. No response.

24 Now would be the time if anyone wishes to
25 respond to any question that I asked

1 previously, but did not feel comfortable
2 coming forward, now would be the time to come
3 down and talk to me here at the court reporter
4 -- at Ms. Payne's desk. Okay.

5 Mister?

6 MR. MARTIN: Martin.

7 THE COURT: Mr. Martin, sir, you're already
8 excused.

9 MR. MARTIN: Okay.

10 THE COURT: Okay. Anyone else? Anyone else?
11 Okay. I see no further responses. It is now
12 -- what time --

13 THE CLERK: 11:01.

14 THE COURT: -- 11:01 a.m., and I find the
15 jurors are qualified.

16 Now, ladies and gentlemen, that concludes
17 the statutory list of qualifications. And,
18 now, I need to ask you a series of questions
19 which do not affect your being qualified or
20 unqualified, but simply means that you are
21 choosing not to serve by my -- by responding
22 to these questions, all right?

23 Those of you who are 65 years of age or
24 older may be exempted from service. Those of
25 you 65 years of age or older represent a pool

1 of tremendous talent for jury service, and we
2 urge you to serve if you are inclined to do
3 so. But if you wish to be exempted, you may
4 certainly do so. Is there any member of the
5 jury panel who is 65 years of age or older and
6 wishes to be exempted from jury service? If
7 so, please stand. No response.

8 Another exemption concerns prior jury
9 service. No person is required to serve as a
10 juror more often than once every three
11 calendar years. Therefore, if any member of
12 the jury panel has served on jury duty during
13 the last three calendar years, you may be
14 exempt from service this week if you choose to
15 be exempted. Please note that this exemption
16 does not apply if your jury service was in
17 magistrates' court, a municipal court, or
18 federal court. This exemption applies to any
19 of you if you wish to be exempted and this
20 applies. If so, please stand. No response.

21 Persons who have served as grand jurors
22 in the last five calendar years may also be
23 exempt from jury service. Is there any member
24 of the jury panel who has served on a grand
25 jury during the last five calendar years? If

1 so, please stand. No response.

2 The next exemption deals with those of
3 you who have small children. Please listen
4 carefully to this exemption. It has several
5 parts, all of which must apply to you to be
6 exempted on this basis.

7 You may be exempted from jury service if
8 you have a small child or children under the
9 age of seven years; you have legal custody of
10 the child or children; you have the principal
11 care, custody, and control of your child or
12 children; and you are unable to make
13 arrangements for the adequate care of your
14 child or children while performing jury duty.
15 If all of these requirements apply to you,
16 then you may be exempted on this basis. If
17 this exemption applies to and you wish to be
18 exempted, please stand at this time, and note
19 that there will be a requirement of an
20 affidavit presented to the clerk's office
21 concerning your situation with the children.

22 Does this apply to anyone? No response.

23 The next exemption involves those of you
24 who may be attending school at this time or
25 working in some capacity with a school. If

1 this exemption applies to you and you wish to
2 be exempted, we will transfer your service to
3 another term of court at a time which will not
4 conflict with your school responsibilities.
5 Is there any member of the jury panel who is a
6 full-time student, school teacher, certified
7 personnel, school crossing guard, school bus
8 driver, or who serves in any public or private
9 school related function, including technical
10 colleges, who is unable to serve on jury duty
11 this week as a result of that school
12 involvement? If so, please stand.

13 THE JURY POOL: (No response.)

14 THE COURT: Next, is there any member of the
15 jury panel who is employed by the Department
16 of Corrections at a penitentiary? If so, and
17 you would like to be exempted, please stand.
18 No response.

19 Is there any juror who performs services
20 for a business, commercial or agricultural
21 enterprise, which is so essential to the
22 operation of that enterprise, that if you were
23 required to -- to perform jury duty, the
24 enterprise would have to close or stop
25 functioning? If so, and you wish to be

1 exempted, please stand at this time, and we
2 will attempt to transfer you to another term.
3 No response.

4 Is there any juror who is the primary
5 caretaker of a severely disabled person, who
6 is unable to care for themselves or cannot be
7 left unattended? Or -- and/or is there any
8 juror who is the primary caregiver of a person
9 aged 65 or older? If that -- if either of
10 those apply --

11 Yes, sir? Your juror number and your
12 name?

13 MR. HUFF: My name is Craig Huff, Juror Number
14 83.

15 THE COURT: One moment, sir, okay? Mr. Huff,
16 yes, sir.

17 MR. HUFF: Yes. My daughter is disabled. She
18 has scoliosis and she had cancer pretty much
19 only in one of her eyes and she can't read or
20 write, but I've got her home alone right now,
21 and I was concerned about it.

22 THE COURT: Sir, is there anyone else that
23 could help you with her during this term?

24 MR. HUFF: I guess I could take her over to
25 mom's, but she's at home right now.

1 THE COURT: Sir, would it assist you to be
2 transferred to another term, and -- and you
3 could make those arrangements next time?

4 MR. HUFF: Yes, ma'am. That would be better.

5 THE COURT: Madam Clerk, has Mr. Huff been
6 transferred before?

7 THE CLERK: No, ma'am.

8 THE COURT: Mr. Huff, we will -- the clerk is
9 going to transfer you to another term, okay?
10 Thank you for being here today. I hope that
11 your daughter's condition improves. Okay.
12 He'll be transferred from this term; that was
13 Juror Number 83, Craig Huff.

14 Okay. Ladies and gentlemen, that
15 concludes the statutory list of qualifications
16 and exemptions for jury service. It may be
17 that you are qualified and no exemption
18 applies to you, but jury service this week
19 would constitute an extreme hardship for you
20 for a particular reason. While I cannot
21 permanently excuse a qualified juror from jury
22 service, I can, under extreme and compelling
23 circumstances, transfer a juror to another
24 term of court, particularly jurors who have
25 not been previously transferred. Please

1 understand that general inconvenience is not
2 sufficient reason to transfer you to another
3 court term. To justify a transfer to another
4 term of court, service this week must
5 constitute an extreme hardship to you.

6 To give you an example, I've had folks
7 before me who had a death in the family, and
8 they were preparing funeral arrangements.
9 I've also had folks -- jurors who had a
10 wedding coming up at the end of the week for
11 an immediate family member, and this was just
12 a bad time. I've had a CPA during tax season
13 that needed to transfer service. Those would
14 be examples for you of what is extreme
15 hardship. And so, in -- in asking that, does
16 that apply to anyone? No response.

17 All right. And, now, as promised, if --
18 if you all did not feel comfortable coming
19 forward earlier and -- and these last -- the
20 second set of questions, if you want to come
21 forward now and as opposed to giving a
22 statement out loud in public, among your other
23 jurors, this would be your opportunity. Does
24 anyone wish to come down and talk with me at
25 the court reporter with the lawyers present?

1 Okay.

2 THE BAILIFF: Juror 153.

3 (Bench conference with Juror Number 153.)

4 THE COURT: Okay. Juror 153 is staying with
5 us, okay.

6 Okay. And I do find that our jury panel
7 is qualified. Now, if you all will bear with
8 me for just a moment. Let me ask our clerk a
9 question.

10 (WHEREUPON, a sidebar was held.)

11 THE COURT: Okay. Thank you all. We -- we
12 have just now completed the initial part of
13 qualification, and in just a few moments we'll
14 -- we will be drawing our first jury of the
15 week. And so I -- in order to give us a few
16 moments to get settled on that, I'm going to
17 let you all run to the restroom, and we will
18 reconvene here at 11:30, which should be 15
19 minutes, okay?

20 THE CLERK: Your Honor --

21 THE COURT: The bailiff --

22 THE CLERK: -- don't leave the building.

23 THE COURT: Oh. Don't leave the building,
24 okay? Y'all heard me, right? Okay. The
25 restrooms are right behind you. Thank you.

1 (WHEREUPON, the jury was excused at 11:15
2 a.m.)
3 (Off the record from 11:15 a.m. until
4 11:22 a.m.)
5 (WHEREUPON, the jury came into open court
6 at 11:22 a.m.)
7 THE BAILIFF: (To the Court) You ready?
8 THE COURT: Yes, ma'am.
9 THE CLERK: This is Juror 75.
10 THE COURT: (To the court reporter) A juror
11 has a question.
12 THE COURT REPORTER: Oh, okay.
13 THE COURT: Counsel? Mr. Delaney?
14 THE BAILIFF: Juror 75.
15 MR. HEDGEPATH: I wasn't sure about a specific
16 question. I'm Matt Hedgepath.
17 THE COURT: Yes, sir.
18 (Bench conference with Mr. Hedgepath.)
19 THE COURT: Okay. Thank you, Mr. Hedgepath.
20 THE BAILIFF: Number 171.
21 THE COURT: If you could tell me your name,
22 please?
23 MS. TWITTY: Shameka Twitty.
24 THE COURT: Yes, ma'am.
25 (Bench conference with Ms. Twitty.)

1 THE COURT: Thank you, ma'am. Thank you. All
2 right. Juror Number 171 has been excused.

3 THE CLERK OF COURT: Thank you, ladies and
4 gentlemen. I'm over here, I know it's
5 difficult with all the speakers, but we're
6 gonna be just a few minutes. We've got some
7 coordination that we're have to do to make
8 sure everybody is here. So just be patient
9 with us just a few more minutes.

10 Is there anybody who has any questions
11 for us? Make sure everybody still those
12 yellow pamphlets. Everybody still has your
13 yellow pamphlets, correct? It's got some very
14 important information. The phone numbers that
15 you'll need to use to call in is on that
16 pamphlet, so make sure that you don't lose it.
17 If you do, we have plenty to hand out, so
18 don't be shy about asking. And once we're
19 done with picking a jury, when you're picked,
20 you'll be -- you'll sit right over here, if
21 you're one of the lucky lotto winners today.
22 You will sit over here, and then we will give
23 you instructions as to where to go and where
24 to park if you're picked for an actual jury -
25 jury trial.

1 All the rest of you will be asked to call
2 after six this afternoon to get further
3 instructions on whether or not you are to come
4 by any day this week, okay? Thank you for
5 your patience; it will be just a few more
6 minutes.

7 (Off the record from 11:26 a.m.
8 until 12:19 p.m.)

9 THE BAILIFF: Remain seated. Come to order,
10 please. Remain seated.

11 THE COURT: Okay. Ladies and gentlemen, thank
12 you for your patience. We are now -- we now
13 are coming to the beginning of our first trial
14 that we will need your assistance with, and we
15 are going to select the jury. Bear with me
16 one moment.

17 The title of the case that some of you
18 will be asked to participate in is the case of
19 "The State vs. Daniel Shaquan Deonte Means."
20 This is a criminal case, and Mr. Means has
21 been accused by the State of four, separate
22 and distinct crimes. They are alleged to have
23 arisen out of one particular event or
24 occurrence that the State alleges occurred
25 back on November the 10th of 2018. The

1 location of the occurrence was at an
2 establishment named "Gravy's Grill," located
3 on Kensington Drive in the County of
4 Spartanburg.

5 These documents, which are referred to as
6 "indictments," the State, through the
7 prosecutor, has charged Mr. Means with the
8 crimes of murder, two counts of attempted
9 murder, and possession of a weapon during the
10 commission of a violent crime. There are four
11 separate charges and two indictments.
12 Indictment Number 2019-GS-42-917 is a two-
13 count indictment charging Mr. Means with the
14 crime of murder and with the crime of
15 possession of a weapon during the commission
16 of a violent crime. That indictment alleges
17 that Mr. Means did here in Spartanburg County
18 on or about November the 10th of 2018
19 feloniously, willfully, and with malice
20 aforethought kill one, Damien Michael Young,
21 by shooting the victim with a firearm, and the
22 victim died as a proximate result thereof.

23 Mr. Means is also accused of two counts
24 of attempted murder under Indictment 2019-GS-
25 42-918. It alleges that Mr. Means did here in

1 Spartanburg County on or about November the
2 10th of 2018, and with intent to kill,
3 attempted to kill Shenita Ann Rogers with
4 malice aforethought, and attempted to kill
5 Jasmine Quintel Tate with malice of
6 forethought by shooting the victims and
7 causing them to receive medical treatment.

8 Now, as to those allegations and the
9 charges contained in those indictments, the
10 defendant, Mr. Means, has entered a plea of
11 not guilty. That plea of not guilty,
12 therefore, places upon the State, because they
13 brought charges to prove Mr. Means' guilt to
14 the satisfaction of a jury beyond a reasonable
15 doubt before any verdict of guilty could be
16 returned as to either of the indictments.
17 Every person accused of a crime is presumed to
18 be innocent. The burden is upon the State,
19 because they brought the charge, to prove the
20 defendant's guilt beyond a reasonable doubt.

21 We're going to be selecting 14 of you to
22 participate in the trial of the case. Twelve
23 of you will be the jurors; two will be
24 alternate jurors. And by way of your
25 participation in the trial of the case, you

1 will be called upon to listen to the testimony
2 that will be provided by way of witnesses as
3 you consider any other evidence that might be
4 introduced during the case of the trial.

5 After all of that evidence has been
6 received and I have instructed you on the law
7 that is applicable, you will go back and apply
8 the law as I have given it to you and reach a
9 verdict. Now, before we can do that, I've got
10 some questions that I need to ask you.

11 The purpose of the questions is to
12 determine if there's some reason why any one
13 of you jurors should not be selected to serve
14 in this case. So as these questions are
15 asked, if you need to respond to them, I am
16 going to ask that you please stand and I'll
17 address any matter with you all individually.

18 Now, I first have told you that the
19 defendant in this case is Daniel Shaquan
20 Deonte Means. Mr. Means, sir, if -- if you
21 can please face the jury panel and stand if
22 you are able.

23 MR. MEANS: (Complies.)

24 THE COURT: Mr. Means is standing to my left
25 and your right. And next to him is his

1 attorney, Brendan Delaney, and, also his --
2 his legal counsel, rather, Brendan Delaney and
3 Dan MacDonald. They are lawyers and will be
4 representing him in the trial of this case.
5 Thank you, Mr. Means and gentlemen. You may
6 be seated.

7 And I stated to you that the victims are
8 Shenita Ann Rogers and Jasmine Quintel Tate,
9 and they are the victims of the attempted
10 murder charges. Damien Michael Young is the
11 victim in the murder case.

12 Present on behalf of the State is Deputy
13 Solicitor Derrick Bulsa. He is the deputy
14 solicitor of the Seventh Judicial Circuit. He
15 is an attorney; he works in the solicitor's
16 officer here in Spartanburg County.

17 I'm now going to recite a list of
18 potential witnesses, and I am going to list --
19 I'm going to recite the entire list. And I --
20 I don't want you all to be alarmed by the
21 number of potential witnesses on the list.
22 They are potential witnesses. It's not
23 necessarily -- that doesn't necessarily mean
24 that all of them will be called in the trial,
25 and I'm going to ask Counsel to listen hard to

1 make sure that I don't overlook a potential
2 witness. Now, the purpose of me reciting the
3 list is to determine if you know anyone
4 involved in this case. And so, as this list
5 is recited, if you are related to any
6 potential witnesses or you are a friend of the
7 potential witnesses or you work with any of
8 the potential witnesses or you know, in any
9 fashion, these potential witnesses, I'm going
10 to ask that you please stand as that name is
11 called. And then I will address that
12 connection with you after I conclude reciting
13 the entire list. And it will be after I
14 recite the entire list that I will call upon
15 you all if you know or believe that you have
16 any connection with any of these potential
17 witnesses.

18 Okay. Drake -- Drakkar Austin; Junell
19 Brewton; Kelvisha Brown; Tremain Cheeks;
20 Natasha Davis; Diamond Evans; Tre Shawn Lewis;
21 Phillip Means; Phillip Means, Jr.; James
22 Morrow; Rosa Quadir, Q-u-a-d-i-r, Rosa Quadir;
23 Brittney Rios; Fred Rogers; Shenita Rogers;
24 Leasia Stevenson; Jasmine Tate; Jamie
25 Thompson.

1 And the next -- Cindy Cassidy, who works
2 in the Spartanburg County Solicitor's Office;
3 Craig Bradley, who works for the Spartanburg
4 County Sheriff's Office; Rita Castro, who
5 works for the Spartanburg Police Department;
6 Jonathan Chadwick, who works for the
7 Spartanburg Police Department; Jimmy Chappell,
8 who was formerly with the Spartanburg Police
9 Department and now with the Inman Police
10 Department; Shawn "Clor-ANN" or Cloran,
11 formerly with the Spartanburg Police
12 Department; Joseph Eggleston, Rodrick Fowler,
13 and Tim Hancock, all with the Spartanburg
14 Police Department; Josh Hollifield, with the
15 Spartanburg County Sheriff's Department;
16 Martin Lester, now with the Spartanburg County
17 Sheriff's Office, formerly with the
18 Spartanburg Police Department; Major Art
19 Littlejohn and Billy Mabry, both with the
20 Spartanburg Police Department; Sonya
21 McCullough and Louis Nelson, with the
22 Spartanburg Police Department; Dustin McClary,
23 with the Spartanburg County Sheriff's Office;
24 Christy Norkett, formerly with the Spartanburg
25 Police Department; and Jonathan Pressley, Chad

1 Renix, Nicholas Swindler, Jason Tapp, Chris
2 Taylor, all with the Spartanburg Police
3 Department; Jana Weaver, with South Carolina
4 Law Enforcement Division, SLED; and Dr. David
5 Wren, with the Spartanburg Regional Medical
6 Center; as well as Adrian Turner and Brian
7 Turner.

8 Now, I have listed the potential
9 witnesses. I will ask Counsel if I have
10 called all potential witnesses for the State,
11 Deputy Solicitor?

12 MR. BULSA: Yes, ma'am.

13 THE COURT: For the Defense?

14 MR. DELANEY: Yes, Your Honor.

15 THE COURT: Thank you, Mr. Delaney. All
16 right. Now, I have also called the names of
17 the Deputy Solicitor Bulsa and Mr. MacDonald
18 and Mr. Delaney. And so, now, I will ask if
19 anyone, again, has any connection with any of
20 the potential witnesses that I have called,
21 the victims that I have called, the Defendant
22 Mr. Means, as well as legal counsel who are
23 sitting here before you. And if you think you
24 might know these folks, if you have some
25 question about it, stand up and let's make

1 sure, because the problem is, if we start a
2 trial and find out later that you had a
3 connection with some of these folks, we have a
4 problem, okay, if you're on the jury. So I am
5 going to ask you to please stand, and I am
6 going to start on my left, which will be on
7 your right and with the gentleman in the green
8 shirt.

9 Now, what I want you to do is I want you
10 to state your juror number and then your name,
11 because all these folks up here are trying to
12 first, take notes, but we also have a court
13 reporter who is making a record, all right?
14 So, yes, sir. Your name?

15 MR. TEASTER: Matt Teaster, Juror Number -- or
16 Matthew Teaster, Juror Number 163.

17 THE COURT: Okay. Give me just one moment,
18 Mr. Teaster. Matthew W. Teaster, Number 163.
19 Yes, sir.

20 MR. TEASTER: I know Mr. Delaney. I've known
21 him for years through various church
22 connections and family and friends -- family
23 ties.

24 THE COURT: So you know Defense Counsel
25 Brendan Delaney?

1 MR. TEASTER: Yes, ma'am.

2 THE COURT: Okay. Sir, and -- and so you're

3 saying that you know him, but you've not been

4 a client?

5 MR. TEASTER: No, ma'am.

6 THE COURT: Okay. And, sir, go into a little

7 bit more detail. You're saying that you know

8 him through church. Are you all social

9 friends? Have you been to his home? Has he

10 been to your home?

11 MR. TEASTER: Not that I know of, but I know

12 that, like, my uncle and my cousins are

13 friends with his children, attend the same

14 church. And, to my knowledge, they spend time

15 together sometimes.

16 THE COURT: Okay. But that would not be you,

17 correct?

18 MR. TEASTER: (Nods head up and down.)

19 THE COURT: All right. Mr. Teaster, sir,

20 would that affect your ability to be fair and

21 impartial in this case?

22 MR. TEASTER: I don't believe so.

23 THE COURT: And, sir, I'm not being hard on

24 you, but I need a definitive yes or no.

25 MR. TEASTER: No.

1 THE COURT: All right. You're gonna say with
2 us for this one, all right? Thank you. You
3 may be seated. Mr. Teaster is staying with
4 us.

5 And so -- yes, sir? Right here in the
6 front with the blue shirt on.

7 MR. KIMLEY: Juror 93, I'm acquainted with
8 the --

9 THE COURT: One -- one moment, sir. Juror
10 Number 93. Mr. Kimley?

11 MR. KIMLEY: Yes, Your Honor.

12 THE COURT: Okay. Steven Kimley. All right.
13 Yes, sir.

14 MR. KIMLEY: An acquaintance of Art Littlejohn
15 with the City.

16 THE COURT: Okay. And, sir, can you be -- can
17 you go into a little more detail?

18 MR. KIMLEY: I've just known Art through the
19 years, through civil service, and me serving
20 through the fire departments mainly.

21 THE COURT: Okay. Sir, would that affect your
22 ability to be fair and impartial in this case?

23 MR. KIMLEY: Yes, ma'am. I believe it would.

24 THE COURT: All right. Mr. Kimley, then will
25 be disqualified from -- or excused from

1 service as to this case. You understand?

2 MR. KIMLEY: Yes, ma'am.

3 THE COURT: Not for service for the week, but
4 just this case.

5 MR. KIMLEY: Yes, ma'am.

6 THE COURT: All right. Thank you. We'll
7 start right here in the front, this gentleman.

8 MR. T. BROOKS: Juror 19, Tyler Brooks.

9 THE COURT: Mr. Brooks, give us just one
10 moment, okay? Okay. Juror Number 19, Tyler
11 D. Brooks. Yes, sir.

12 MR. T. BROOKS: I know Jonathan Chadwick; I've
13 known him for pretty much all of our lives.
14 We went to church together, and I know that he
15 used to be on the police department over here
16 in Spartanburg City.

17 THE COURT: One more time?

18 MR. T. BROOKS: Jonathan Chadwick, I've known
19 him through church and him being a police
20 officer.

21 THE COURT: Sir, would that affect your
22 ability to be fair and impartial in this case?

23 MR. T. BROOKS: Yes, ma'am.

24 THE COURT: Okay. Mr. Brooks will be excused
25 from service as to this trial, not the week,

1 just this trial. Thank you. Yes, ma'am.

2 MS. FERGUSON: Juror Number 50.

3 THE COURT: One moment. Juror Number 50,
4 Teresa Ferguson.

5 MS. FERGUSON: Yes, ma'am. Yes, ma'am.

6 THE COURT: Yes, ma'am, Ms. Ferguson?

7 MS. FERGUSON: Art Littlejohn and Chris
8 Taylor.

9 THE COURT: You know them?

10 MS FERGUSON: Yes, ma'am. They are
11 actually -- we work for the same city
12 government.

13 THE COURT: Yes, ma'am.

14 MS. FERGUSON: So that's how I'm affiliated
15 with them.

16 THE COURT: And you're currently an employee
17 of the City of Spartanburg?

18 MS. FERGUSON: Yes, ma'am.

19 THE COURT: Okay. Ma'am, would that affect
20 your ability to be fair and impartial in this
21 case?

22 MS. FERGUSON: With this case, yes, ma'am.

23 THE COURT: Okay. You're excused from service
24 on this case, Ms. Ferguson. Thank you. You
25 may be seated, ma'am. Not for service for the

1 week, just this case, okay? You can sit down.
2 MS. FERGUSON: Thank you.
3 THE COURT: Yes, ma'am. Thank you. Next?
4 MR. DAVIS: Juror Number 38, Daniel Davis.
5 THE COURT: One moment. Daniel Davis?
6 MR. DAVIS: Yes, ma'am.
7 THE COURT: Okay. Yes, sir. Mr. Davis.
8 MR. DAVIS: Did you say -- one of the
9 potential witnesses was a "Jamie Thompson"?
10 THE COURT: Bear with me just one moment,
11 okay? Let me get my list. I'm sorry. Repeat
12 the name, sir?
13 MR. DAVIS: Jamie Thompson.
14 THE COURT: Maybe I'm overlooking that. Is it
15 on here?
16 MR. BULSA: Yes, ma'am. Number 17.
17 THE COURT: Oh, wait. I'm looking at the old
18 list. One second. Okay. Yes, sir. Jamie
19 Thompson, First Baptist Spartanburg.
20 MR. DAVIS: I -- I know a Jamie Thompson, but
21 not at the First Baptist, I just wanted to
22 make sure. To my knowledge, he doesn't go to
23 First Baptist Church.
24 THE COURT: I'm sorry?
25 MR. DAVIS: I know a guy named Jamie Thompson,

1 but, to my knowledge, he's not affiliated with
2 the Spartanburg Baptist Church. I just wanted
3 to --

4 MR. BULSA: He's -- he's an assistant media --
5 media minister there at the First Baptist.

6 THE COURT: Apparently, he is an assistant
7 media manager at First Baptist in Spartanburg.

8 MR. DAVIS: No, ma'am. That would not be the
9 same one.

10 THE COURT: Okay. Thank you, Mr. Davis. I'll
11 keep you on this one. Thank you. And so the
12 gentleman here.

13 MR. LINCOLN: I'm 101, Jeffery Lincoln.

14 THE COURT: One moment, okay? Jeffery D.
15 Lincoln --

16 MR. LINCOLN: Yes, ma'am.

17 THE COURT: -- Number 101. Yes, sir?

18 MR. LINCOLN: I just want to make sure, South
19 Carolina Legal, you all hire -- or they hire
20 my company. I do a lot of work for them. I
21 don't know if that makes any difference with
22 everybody.

23 THE COURT: What is your company, again, sir?

24 MR. LINCOLN: It's Lincoln Logs Handyman
25 Service, but I do all the SC Legal in

1 Spartanburg, Greenville, and --

2 THE COURT: For legal services?

3 MR. LINCOLN: Yes. I didn't know if that

4 makes any difference?

5 THE COURT: I don't -- (To Mr. Bulsa) Y'all

6 don't do any contract work for them, do you?

7 MR. BULSA: No. We're not affiliated with

8 them at all.

9 THE COURT: I actually -- I didn't -- I knew

10 that the public defender's office was not, but

11 y'all don't do any contract work with them?

12 MR. BULSA: No.

13 THE COURT: Sir, I'm informed that, no, sir,

14 that is not related. Thank you, sir. Mr.

15 Lincoln is going to stay with us. Yes, ma'am?

16 In the black and white outfit, yes.

17 MS. SMITH: One, five, three; Monique Smith.

18 THE COURT: Okay. One --

19 MS. SMITH: I know --

20 THE COURT: One second, okay? Monique S.

21 Smith. Yes, ma'am?

22 MS. SMITH: I know a couple of witnesses, Fred

23 Rogers and Shenita Rogers.

24 THE COURT: Okay. One moment, okay. Let me

25 see. Okay. Ma'am, when you say that you know

1 them, have you been a guest in their home?
2 Have they been in your home, or do you all
3 attend church together? What is the nature of
4 the relationship?

5 MS. SMITH: We all -- I just go where they
6 have a -- a restaurant at and eat at that
7 place.

8 THE COURT: From a restaurant where they work?

9 MS. SMITH: Yes.

10 THE COURT: Okay. What's the name of that
11 restaurant?

12 MS. SMITH: It's called "G&G Grill."

13 THE COURT: One more time.

14 MS. SMITH: It's in Gaffney.

15 THE COURT: In Gaffney, okay. (To Mr. Bulsa)
16 But it's not the same?

17 MR. BULSA: No. They moved to Gaffney after
18 this occurred.

19 THE COURT: Okay. What is the name of the
20 restaurant, ma'am?

21 MS. SMITH: It's called "GG's Grill."

22 THE COURT: Okay. And, ma'am, how long has it
23 been since you've been there?

24 MS. SMITH: I just went there, like, the end
25 of last year.

1 THE COURT: Okay. Ma'am, would that affect
2 your ability to be fair and impartial in this
3 case?

4 MS. SMITH: No.

5 THE COURT: Okay. Thank you, ma'am. I'm
6 gonna let you stay, all right? Ms. Monique
7 Smith, 153, is gonna stay. Okay.

8 MR. W. BROOKS: Juror Number 20, William
9 Brooks.

10 THE COURT: One moment, okay? Okay. William
11 W. Brooks. Yes, sir?

12 MR. W. BROOKS: I got to know Mr. Delaney, as
13 well as his son a little bit. I used to work
14 at the Spartanburg Country Club.

15 THE COURT: Sir, can you --

16 THE COURT REPORTER: I can't hear him.

17 THE COURT: -- speak up for me?

18 MR. W. BROOKS: I used to work at, like, the
19 Spartanburg Country Club, and I got to know
20 Mr. Delaney, as well as his son. So, I mean,
21 we aren't like super close friends, but I
22 guess I know his son.

23 THE COURT: Okay. Sir, would that affect your
24 ability to be fair and impartial in this case?

25 MR. W. BROOKS: I believe not.

1 THE COURT: I need a yes or a no, please.
2 MR. W. BROOKS: No, ma'am.
3 THE COURT: All right. Thank you. Thank you.
4 Mr. Brooks is going to stay with us.
5 MS. HARDY: Juror Number 70. My name is
6 Christina.
7 THE COURT: One more time.
8 MS. HARDY: Juror 70.
9 THE COURT: Christina Hardy?
10 MS. HARDY: Yes, ma'am.
11 THE COURT: Yes, ma'am?
12 MS. HARDY: I know Daniel Means, by his
13 mother. We used to go to school together.
14 THE COURT: I -- ma'am, I need for you to
15 speak up for me.
16 MS. HARDY: I know Daniel Means.
17 THE COURT: Okay. And, ma'am, is -- can you
18 describe in more detail the nature of the
19 relationship?
20 MS. HARDY: I went to school with his mother.
21 THE COURT: And how long ago was that?
22 MS. HARDY: 1995.
23 THE COURT: Would that affect your ability to
24 be fair and impartial in this case?
25 MS. HARDY: Yes.

1 THE COURT: Okay. Ma'am, I'm going to excuse
2 you from this case, not from jury service this
3 week, but just this case, okay? Thank you.
4 Christina Hardy is being excused from this
5 case.
6 MS. CONLEY: Thirty-five, Kendal Conley.
7 THE COURT: I'm sorry. One more time?
8 MS. CONLEY: Thirty-five, Kendal Conley. I
9 know --
10 THE COURT: One -- one moment, ma'am. One
11 moment, okay? Yes, ma'am?
12 MS. CONLEY: I might know one of the potential
13 witnesses. I believe you said the name Junell
14 Brewton, or -- and I know a girl Jena Brewton
15 I don't know if Junell is --
16 THE COURT REPORTER: I barely can understand
17 her.
18 THE COURT: Ma'am, can you just give me one
19 moment. All right. Again, you're saying that
20 you know Junell?
21 MS. CONLEY: I might. I know a girl named
22 Jena Brewton and I don't know if that is short
23 for Junell.
24 THE COURT: Okay. Is she referring to Junell
25 Brewton? Ma'am, are -- the Junell that I'm --

1 that I listed was the second witness that I
2 called Junell Brewton.

3 MS. CONLEY: How do you spell the last name?

4 THE COURT: B-r-e-w-t-o-n. Apparently, Junell
5 Brewton resides in Cowpens.

6 MS. CONLEY: Okay. It's a different person.

7 THE COURT: Okay. Anyone else?

8 THE COURT: Okay.

9 MR. PARHAM: Roger Parham, 129.

10 THE COURT: Ms. Conley will stay with us.

11 And, Roger Parham, 129?

12 MR. PARHAM: Yes, ma'am.

13 THE COURT: Yes, sir?

14 MR. PARHAM: I know Fred and Shenita Rogers.

15 THE COURT: Okay. And, sir, can you go into a
16 little bit more detail?

17 MR. PARHAM: Yes, ma'am. Fred used to DJ for
18 events for my parents, probably a decade or so
19 ago. I used to frequent his spot at Gravy's
20 Grill, also.

21 THE COURT: Sir, would that interfere with
22 your ability to be fair and impartial in this
23 case?

24 MR. PARHAM: Yes, ma'am.

25 THE COURT: All right. Thank you. Mr.

1 Parham, sir, I am going to excuse you from
2 this case, not from jury service, okay?
3 Anyone else?

4 THE JURY PANEL: (No response.)

5 THE COURT: Okay. I'm going to continue now
6 with the questions. Does any member of the
7 jury panel know anyone who is employed in the
8 Seventh Circuit Solicitor's Office or the
9 Spartanburg County Public Defender's Office?
10 And those of you who have already stood
11 regarding Mr. Delaney, you don't have to stand
12 again, all right? Anyone?

13 THE JURY PANEL: (No response.)

14 THE COURT: Is there any member of the jury
15 panel who thinks they've heard, seen, or read
16 anything about this particular case? In other
17 words, do you have any information or do you
18 think you have any information at all or
19 you've been exposed to any information that
20 might relate to this particular case, I want
21 you to please stand at this time? No
22 response.

23 I need to know if any member of the jury
24 panel is a member of, or do you contribute
25 time or money to any organizations that might

1 be described as law enforcement support type
2 of organizations, such as Mothers Against
3 Drunk Drivers, Citizens Against Violent
4 Crimes, the Honorary Sheriffs' Associations,
5 the Honorary Troopers' Associations, a
6 neighborhood watch program, or any type of
7 victims or witness advocacy group or program.
8 If so, I need for you to stand at this time.

9 MR. LEACH: Tyler Leach, Juror 99.

10 THE COURT: Okay. One moment, Mr. Leach. You
11 said, "One, six, nine"?

12 MR. LEACH: Sorry. 199 -- no. Sorry.
13 Ninety-nine.

14 THE COURT: Mr. Tyler D. Leach. Yes, sir?

15 MR. LEACH: Yes. I work for the -- company I
16 work for is Consolidated Insurance. They do
17 life insurance for first responders, which
18 includes law enforcement, and I work for a
19 non-profit called "First Responders' Benefit
20 Association," which also provides money to
21 fallen first responders, which includes law
22 enforcement.

23 THE COURT: Sir, would that interfere with
24 your ability to be fair and impartial in this
25 case?

1 MR. LEACH: No.

2 THE COURT: All right. Thank you, sir.

3 Anyone else?

4 MR. TOLBERT: Yes, Your Honor. Juror Number

5 168, Joshua Tolbert.

6 THE COURT: One moment. Joshua S. Tolbert.

7 Yes, sir?

8 MR. TOLBERT: You mentioned being part of a

9 neighborhood watch program; is that correct?

10 THE COURT: Yes, sir.

11 MR. TOLBERT: We have one of those in my

12 neighborhood. We don't contribute any money

13 to it, but it's kind of like a community watch

14 program.

15 THE COURT: Are you involved with it?

16 MR. TOLBERT: Everyone in the neighborhood is,

17 Your Honor.

18 THE COURT: Okay. Would that affect your

19 ability to be fair and impartial in this case?

20 MR. TOLBERT: No, Your Honor.

21 THE COURT: Thank you. You may be seated.

22 Anyone else?

23 THE JURY PANEL: (No response.)

24 THE COURT: Okay. I need to know if you or

25 any members of your immediate families are now

1 or have ever been employed as any type of law
2 enforcement officer. That would include
3 civilian and military. That would include
4 sheriff's department, city police departments,
5 town, or municipal law enforcement agencies.
6 It would include the State Law Enforcement,
7 the FBI. It would include being any
8 correctional officer, being -- or being
9 employed by the Department of Corrections or
10 any local jail or detention facility,
11 Department of Probation, a solicitor's office,
12 or other prosecutor's office, federal or
13 state. Again, that would be you or members of
14 your immediate families, okay?

15 Okay. Yes, sir?

16 MR. HEDGEPATH: I have a brother-in-law that
17 works for the Spartanburg County.

18 THE COURT: And what's your name, sir?

19 MR. HEDGEPATH: My brother-in-law?

20 THE COURT: Your name?

21 MR. HEDGEPATH: Seventy-five.

22 THE COURT: Mr. Hedgepath?

23 MR. HEDGEPATH: Yes, ma'am.

24 THE COURT: Okay. Who is the officer?

25 MR. HEDGEPATH: Zach Beterston (phonetic.)

1 THE COURT: One more time?

2 MR. HEDGEPATH: Zach Beterston.

3 THE COURT: Beterston?

4 MR. HEDGEPATH: Yes, ma'am.

5 THE COURT: Okay. Counsel, does he have any
6 involvement with this case?

7 MR. BULSA: No, ma'am.

8 THE COURT: Okay. All right. Mr. Hedgepath,
9 sir, would that affect your ability to be fair
10 and impartial in this case?

11 MR. HEDGEPATH: No, ma'am.

12 THE COURT: All right. Thank you. You may be
13 seated.

14 MS. TIDWELL: Jury (as spoken) Number 166,
15 Kimberly Tidwell.

16 THE COURT: Okay. Ms. Tidwell, bear with me
17 just one moment, okay? Yes, ma'am?

18 MS. TIDWELL: My brother-in-law, Will Tidwell,
19 is a police department -- I mean, PD
20 Campobello, and my husband was a trooper; he's
21 not anymore.

22 THE COURT: One more time. Your -- your
23 husband was?

24 MS. TIDWELL: My husband was a trooper.

25 THE COURT: Trooper?

1 MS. TIDWELL: Uh-huh. Matt Tidwell.

2 THE COURT: One more time.

3 MS. TIDWELL: Matt A. Tidwell.

4 THE COURT: Okay. And Will Tidwell is your
5 brother-in-law?

6 MS. TIDWELL: Yes, ma'am.

7 THE COURT: And he works for Campobello?

8 MS. TIDWELL: Yes, ma'am.

9 THE COURT: It would just be the Campobello
10 Police Department?

11 MS. TIDWELL: Yes, ma'am.

12 THE COURT: Okay. Ma'am, let me confer with
13 the solicitor.

14 MR. BULSA: Not part of the case.

15 THE COURT: Okay. I've been informed there's
16 no involvement of them with this case. But,
17 ma'am, would your relationship with them being
18 law enforcement interfere with your ability to
19 be fair and impartial in this case?

20 MS. TIDWELL: No, ma'am.

21 THE COURT: Okay. Thank you, ma'am. Please
22 be seated. Yes, ma'am?

23 MS. LYTLE: Juror 105.

24 THE COURT: Okay. One moment, ma'am. Lisa
25 Lytle.

1 MS. LYTTLE: Yes, ma'am.

2 THE COURT: Yes, ma'am?

3 MS. LYTTLE: My great-grandfather was a police
4 officer, but I never knew him, and he's passed
5 away now.

6 THE COURT: Where -- where was he a police
7 officer?

8 MS. LYTTLE: In Chesnee.

9 THE COURT: Okay. Ma'am, would that affect
10 your ability to be fair and impartial in this
11 case?

12 MS. LYTTLE: No, ma'am.

13 THE COURT: Thank you. You may be seated.
14 Let's see. Right there.

15 MS. FOSTER: Anisha Foster, Juror Number 54.

16 THE COURT: Okay. Ms. Foster, give me just
17 one moment, okay? Anisha N. Foster. Yes,
18 ma'am?

19 MS. FOSTER: My sister is a probation officer,
20 my grandfather was a police officer, and my
21 cousin is a police officer.

22 THE COURT: Where is your sister a probation
23 agent?

24 MS. FOSTER: I think in Greenville County.

25 THE COURT: What's --

1 MS. FOSTER: I'm not too sure.

2 THE COURT: Okay. What's her --

3 MS. FOSTER: Her name is Deonte Foster-Holmes.

4 THE COURT: And then your husband, you said,

5 is a police officer?

6 MS. FOSTER: No. My grandfather; he's

7 deceased.

8 THE COURT: Where was he in --

9 MS. FOSTER: In Chesnee.

10 THE COURT: And what was his name?

11 MS. FOSTER: Justin Foster.

12 THE COURT: Anyone else that you mentioned?

13 MS. FOSTER: That is active or inactive?

14 THE COURT: Did you say your spouse?

15 MS. FOSTER: No.

16 THE COURT: Okay.

17 MS. FOSTER: I don't have a spouse.

18 THE COURT: Okay. You -- I thought you

19 mentioned a third?

20 MS. FOSTER: A cousin -- I have a cousin who

21 was a police officer; she's no longer an

22 officer.

23 THE COURT: And where was she a police

24 officer?

25 MS. FOSTER: I think in Spartanburg County.

1 THE COURT: How long ago?

2 MS. FOSTER: Probably, five/ten years ago.

3 THE COURT: Okay. Ma'am, would that affect

4 your ability to be fair and impartial in this

5 case?

6 MS. FOSTER: No.

7 THE COURT: Okay. Thank you, ma'am. You may

8 be seated. (To the Bailiff) Ms. Joan.

9 MR. REDLIN: Juror 140.

10 THE COURT: One, oh, four?

11 MR. REDLIN: One, four, zero.

12 THE COURT: Gregory Redlin.

13 MR. REDLIN: Yes, ma'am.

14 THE COURT: Yes, sir.

15 MR. REDLIN: I retired as a deputy sheriff,

16 and I was a police officer.

17 THE COURT: Where did you work, sir?

18 MR. REDLIN: In Ohio.

19 THE COURT: How long ago?

20 MR. REDLIN: Twelve years ago.

21 THE COURT: Sir, would that affect your

22 ability to be fair and impartial in this case?

23 MR. REDLIN: No, ma'am.

24 THE COURT: All right. Thank you. You may be

25 seated. Yes, ma'am?

1 MS. FEBUS: Juror Number 49, Olga Febus.

2 THE COURT: One moment. Olga E. Febus.

3 MS. FEBUS: Yes, ma'am.

4 THE COURT: Yes, ma'am?

5 MS. FEBUS: I have a brother who was in the
6 military, a niece that was in the military, my
7 father was in the military, an uncle that was
8 in the military who was also a warden at a
9 correctional facility.

10 THE COURT: And what -- did any of them work
11 in South Carolina?

12 MS. FEBUS: No, ma'am.

13 THE COURT: Where did they work?

14 MS. FEBUS: My uncle was a warden in
15 Connecticut and in Florida. My father was in
16 the military from Connecticut, I believe. My
17 brother was in the military coming out of New
18 Jersey. And my niece, Katie (phonetic), was
19 in the military coming out of Florida.

20 THE COURT: Ma'am, would that affect your
21 ability to be fair and impartial in this case?

22 MS. FEBUS: No, ma'am.

23 THE COURT: All right. Thank you, Ms. Febus.
24 You may be seated. Yes, ma'am? I mean, yes,
25 sir. I saw -- it's Ms. Joan that held up the

1 microphone, but, yes, sir?

2 MR. MOSSER: Robert Mosser, 117.

3 THE COURT: Robert A. Mosser. Yes, sir?

4 MR. MOSSER: My daughter is a personal injury
5 lawyer in Raleigh, North Carolina. While
6 going to school, she worked with the district
7 attorney's office in Raleigh. She also worked
8 for the district attorney's office in
9 Columbia, South Carolina.

10 THE COURT: How long ago was that?

11 MR. MOSSER: That's over the past five years.

12 THE COURT: Sir, would that affect your
13 ability to be fair and impartial in this case?

14 MR. MOSSER: No.

15 THE COURT: Okay. Thank you, Mr. Mosser. You
16 may be seated. Yes, sir?

17 MR. LYON: Melvin Lyon, 104.

18 THE COURT: Melvin R. Lyon, III. Yes, sir.

19 MR. LYON: My dad was in Greenville City,
20 retired, and my cousin is a State Trooper.

21 THE COURT: Sir, would that affect your
22 ability to be fair and impartial in this case?

23 MR. LYON: No.

24 THE COURT: Okay. Thank you, Mr. Lyon. You
25 may be seated.

1 MS. WHEELER: Juror Number 179.

2 THE COURT: Yes, ma'am. What's your name?

3 MS. WHEELER: Andrea Wheeler.

4 THE COURT: One moment, okay? Okay. Andrea
5 Wheeler. Yes, ma'am?

6 MS. WHEELER: Yes, ma'am. My husband was a
7 correctional officer in Charlotte, North
8 Carolina, probably about 25 years ago. And
9 he's currently active-duty Air Force.

10 THE COURT: Ma'am, but he -- he didn't work in
11 South Carolina in law enforcement?

12 MS. WHEELER: No, ma'am.

13 THE COURT: Okay. Would that affect your
14 ability to be fair and impartial in this case?

15 MS. WHEELER: No, ma'am.

16 THE COURT: All right. Thank you, Ms.
17 Wheeler. You may be seated. Yes, sir?

18 MR. SMITH: Juror 155.

19 THE COURT: And your name?

20 MR. SMITH: Raymond Smith, II.

21 THE COURT: One moment. Raymond E. Smith, II.

22 MR. SMITH: Yep. My father was in the
23 military and National Guard in Wellford and
24 he'll retire this year.

25 THE COURT: Okay. Sir, would that affect your

1 ability to be fair and impartial in this case?
2 MR. SMITH: No, ma'am.
3 THE COURT: Thank you, sir. You may be
4 seated. In the back.
5 MR. LONG: Juror 102, Deonte Long.
6 THE COURT: Deonte R. Long?
7 MR. LONG: Yes.
8 THE COURT: Yes, sir.
9 MR. LONG: My mother is a retired detention
10 officer at Spartanburg County.
11 THE COURT: What's her name?
12 MR. LONG: Doretha Long.
13 THE COURT: How long has she been retired?
14 MR. LONG: Six to seven years.
15 THE COURT: Six or seven?
16 MR. LONG: Yes.
17 THE COURT: Sir, would that affect your
18 ability to be fair and impartial in this case?
19 MR. LONG: No.
20 THE COURT: Okay. Thank you, Deonte Long.
21 You may be seated.
22 MR. DAVIS: Juror Number 38, Daniel Davis.
23 THE COURT: Yes, sir? Mr. Daniel Davis.
24 MR. DAVIS: Yes, ma'am. My cousin is a
25 Spartanburg City police officer, Cameron

1 Blackwell.

2 THE COURT: He is currently a city police
3 officer?

4 MR. DAVIS: Yes, ma'am.

5 THE COURT: I'm being told that he is not
6 involved in this case. Sir, would that affect
7 your ability to be fair and impartial in this
8 case?

9 MR. DAVIS: No, ma'am.

10 THE COURT: All right. Thank you, Mr. Davis.
11 You may be seated.

12 Okay. I now have additional questions,
13 and they may seem like they are redundant, but
14 I want you to listen to them very carefully,
15 okay? Again, the State has charged the
16 Defendant, Mr. Daniel Means, with the murder
17 of Damien Young. This is alleged to have
18 occurred on November the 10th of 2018, at
19 Gravy's Grill in Spartanburg, South Carolina.
20 Have you discussed this case or heard anyone
21 discuss this case, either today or before
22 today? If so, please stand. No response.

23 Has anyone formed any opinion about the
24 case -- this case that we are pulling the jury
25 for, upon any information that you have

1 received? If so, please stand. No response.

2 This case may have received some
3 attention from local newspaper, television
4 news -- and television news programs. Have
5 you heard or seen any news articles or stories
6 about this case or about Mr. Means or the
7 victim, Mr. Damien Young? If so, please
8 stand. No response.

9 Is there any person in the jury panel who
10 has ever made an accusation to law enforcement
11 that someone else assaulted you? If so,
12 please stand. No response.

13 Is there any person in the jury panel who
14 has ever had a family member make an
15 accusation to law enforcement that someone
16 else had assaulted them? If so, please stand.
17 No response.

18 Have you or a member of your family been
19 the victim or a prosecuting witness in a case
20 which has been prosecuted by the Solicitor's
21 Office in Spartanburg County? If so, please
22 stand. No response.

23 Are you or is any member of your family
24 the victim or prosecuting witness in a case
25 which is currently being prosecuted in either

1 Spartanburg or Cherokee County? If so, please
2 stand. No response.

3 Is there anyone in the jury pool who has
4 had someone in their immediate family die as a
5 result of the actions of another person? If
6 so, please stand. No response.

7 Oh. I'm sorry. Mr. Daniel Davis, Number
8 38, correct?

9 MR. DAVIS: Yes, ma'am.

10 THE COURT: Yes, sir.

11 MR. DAVIS: My ex-father-in-law was shot by a
12 Spartanburg County police officer, and he
13 passed away.

14 THE COURT: By law enforcement?

15 MR. DAVIS: Yes, ma'am.

16 THE COURT: Sir, how long ago was that?

17 MR. DAVIS: Roughly, 20 years.

18 THE COURT: Sir, would that affect your
19 ability to be fair and impartial in this case?

20 MR. DAVIS: No, ma'am.

21 THE COURT: Thank you, sir.

22 MR. BULSA: Can I have his name?

23 THE COURT: Oh. One -- one follow-up, sir.
24 What -- it was your -- your former father-in-
25 law?

1 MR. DAVIS: Yes, ma'am.

2 THE COURT: What was his name, please?

3 MR. DAVIS: Douglas Perkins.

4 THE COURT: Thank you. Thank you, sir. Is
5 there anyone in the jury panel who is more
6 likely to believe the testimony of a police
7 officer over that of an ordinary citizen? If
8 so, please stand. No response.

9 Now, I've asked you all if you all knew
10 any of the attorneys involved in this matter,
11 and I've had some folks stand up, but has any
12 juror, family member, or acquaintance of a
13 juror ever been represented by Mr. Delaney/Mr.
14 MacDonald, who are seated here, or any other
15 attorney with the Spartanburg County Public
16 Defender's Office? If so, please stand. No
17 response.

18 Does any juror or family member of the
19 juror know Mr. Daniel Means or his family?
20 His mother is Adrian Turner; his father is
21 Phillip Daniel Means, Jr.; Uncle is Brian
22 Turner; and his grandmother is Sandra Turner;
23 his grandfather is Phillip Daniel Means. No
24 response.

25 And then, generally, again, is any juror

1 or family member an acquaintance of the
2 defendant or his family? If so, please stand.
3 No response.

4 Has any juror, family member, or
5 acquaintance of a juror ever been prosecuted
6 for a criminal offense by any prosecution
7 agency, state or federal? If so, please
8 stand.

9 FEMALE JUROR: I'm sorry. Can you repeat that
10 question, again?

11 THE COURT: I'm sorry. I think I'm moving my
12 mouth away from the microphone. I apologize.
13 And, again, actually, I'm going to ask these
14 two questions together. And if folks don't
15 feel comfortable speaking out in front of your
16 fellow jurors, I will give you an opportunity
17 to come down and talk with me by the court
18 reporter, okay?

19 Has any juror or juror's family member or
20 acquaintance of a juror ever been prosecuted
21 for a criminal offense by any prosecution
22 agency, state or federal? And then there's
23 another part to this. Has any juror, family
24 member, or acquaintance of a juror ever been
25 investigated by law enforcement for a criminal

1 violation? And so I will be happy if -- if
2 you all want to come down.

3 THE BAILIFF: Forty-nine.

4 THE COURT: Four, nine?

5 MS. FEBUS: Yes, ma'am.

6 THE COURT: Okay. Just come in a little
7 closer, so that our court reporter can hear
8 you.

9 MS. FEBUS: Okay.

10 THE COURT: And your name, please?

11 MS. FEBUS: Olga Febus.

12 THE COURT: Ms. Febus. Yes, ma'am?

13 MS. FEBUS: So I have a brother who's doing
14 999 years in Florida.

15 THE COURT: And what was his name?

16 MS. FEBUS: Jose Quinones.

17 THE COURT: What?

18 MS. FEBUS: Quinones, Q-u-i-n-o-n-e-s.

19 THE COURT: Okay. Ma'am, would that affect
20 your ability to be fair and impartial in this
21 case?

22 MS. FEBUS: No, ma'am.

23 THE COURT: Okay. Anything else?

24 MR. BULSA: Just what the charges were?

25 MS. FEBUS: Home invasion.

1 MR. BULSA: Did anybody get killed?

2 MS. FEBUS: No, sir.

3 THE COURT: All right. Thank you, ma'am.

4 MS. FEBUS: You're welcome.

5 THE BAILIFF: Juror 38.

6 THE COURT: Mr. Davis.

7 MR. DAVIS: Yes, ma'am. Was it ever been

8 prosecuted or tried or -- or arrested --

9 THE COURT: I think the wording of the

10 question was "investigated."

11 MR. DAVIS: My -- my brother was arrested for

12 allegations of sexual misconduct with a minor.

13 It was -- it was false allegations and they

14 made (inaudible.)

15 THE COURT: Was that in Spartanburg County?

16 MR. DAVIS: No, ma'am. That was at Myrtle

17 Beach.

18 THE COURT: Okay. In Horry County?

19 MR. DAVIS: Uh-huh.

20 THE COURT: How long ago?

21 MR. DAVIS: About eight years ago.

22 THE COURT: Would that affect your ability to

23 be fair and impartial --

24 MR. DAVIS: No.

25 THE COURT: -- in this case?

1 MR. DAVIS: No, ma'am.

2 THE COURT: Thank you, Mr. Davis.

3 THE BAILIFF: Juror 137.

4 THE COURT: Ms. Poole.

5 MS. POOLE: Yes, ma'am.

6 THE COURT: You're really soft-spoken.

7 MS. POOLE: I currently have a brother who's

8 incarcerated.

9 THE COURT: For what?

10 MS. POOLE: Attempted murder.

11 THE COURT: In Spartanburg County?

12 MS. POOLE: Yes, ma'am.

13 THE COURT: What's his name?

14 MS. POOLE: J-u-r-r-e-l-l, Thompson.

15 THE COURT: J -- J-u-r-r-e-l-l?

16 MS. POOLE: Uh-huh. Thompson.

17 THE COURT: Okay. So he -- he has been

18 charged but not convicted?

19 MS. POOLE: Right.

20 THE COURT: Okay. Is it -- do you know if

21 it's with the public defender's office or a

22 private lawyer?

23 MS. POOLE: I'm not sure what it is.

24 THE COURT: Okay. Ma'am, would that affect

25 your ability to be fair and impartial in this

1 case?

2 MS. POOLE: No, ma'am.

3 THE COURT: All right. Thank you, Ms. Poole.

4 MS. POOLE: Uh-huh.

5 THE BAILIFF: Juror 34.

6 THE COURT: What did she say? Three, four.

7 And your name?

8 MS. COLLINS: Nataynia Collins.

9 THE COURT: Ms. Collins. Yes, ma'am?

10 MS. COLLINS: My brother.

11 THE COURT: Okay.

12 MS. COLLINS: His name is Rodney Davis, Jr. I

13 think he had a public defender.

14 THE COURT: Okay. (Inaudible.)

15 MS. COLLINS: Yes.

16 THE COURT: And is he in jail right now?

17 MS. COLLINS: Yes. He's in prison.

18 THE COURT: Where?

19 MS. COLLINS: He's at Kirkland.

20 THE COURT: How long ago was that?

21 MS. COLLINS: It's been maybe about eight or

22 nine years.

23 THE COURT: And what was he charged with?

24 MS. COLLINS: He has a lot of charges.

25 MR. BULSA: Drug stuff?

1 MS. COLLINS: No. It's like he may have been
2 burglary, I think.
3 MR. BULSA: Okay.
4 THE COURT: Would that affect your ability to
5 be fair and impartial in this case?
6 MS. COLLINS: No.
7 THE COURT: Thank you, ma'am.
8 THE BAILIFF: Juror 158.
9 THE COURT: Mr. Stone. Yes, sir?
10 MR. STONE: My stepbrother was charged 12 or
11 14 years ago with -- I think it was armed
12 robbery, but I'm not sure what he was charged
13 with.
14 THE COURT: In South Carolina?
15 MR. STONE: It was in Georgia.
16 THE COURT: And how many years ago?
17 MR. STONE: I think it was 12/13 years ago.
18 I'm not sure.
19 THE COURT: Sir, would that affect your
20 ability to be fair and impartial in this case?
21 MR. STONE: No.
22 THE COURT: Thank you.
23 THE BAILIFF: Juror 117.
24 THE COURT: Robert Mosser. Yes, sir?
25 MR. MOSSER: (Inaudible.)

1 THE COURT REPORTER: Can you speak up just a
2 hair?

3 MR. MOSSER: My daughter was attending USC in
4 2013. While on campus, she was grabbed by an
5 African American student. She reported it to
6 campus security. Because there was no video
7 evidence to substantiate her claim, she was
8 charged with filing a police -- a false police
9 report. She went through pretrial
10 intervention. We as a group got everything
11 expunged. It took several years to get the
12 whole thing cleared up. So it's done now.

13 THE COURT: Okay. And that was in Richland
14 County?

15 MR. MOSSER: Yes.

16 THE COURT: And that was your daughter?

17 MR. MOSSER: Yes, ma'am.

18 THE COURT: Sir, would that affect your
19 ability to be fair and impartial in this case?

20 MR. MOSSER: I don't know the details of this
21 case, but it could potentially.

22 THE COURT: Yes or no?

23 MR. MOSSER: Yes.

24 THE COURT: Okay. Mr. Mosser, I'm going to
25 excuse you from service in this case.

1 MR. MOSSER: Uh-huh.

2 THE COURT: Number 117, Mr. Mosser, is being
3 excused from this case.

4 MR. MOSSER: Yes, ma'am.

5 THE COURT: Thank you, sir.

6 THE BAILIFF: Juror 86.

7 THE COURT: Yes, ma'am?

8 (Bench conference with Juror 86.)

9 THE COURT: Ma'am, would that affect your
10 ability to be fair and impartial?

11 MS. HUNTER: No, ma'am.

12 THE COURT: Okay. Thank you.

13 MS. HUNTER: Uh-huh.

14 THE COURT: Okay.

15 THE BAILIFF: Juror 53.

16 THE COURT: Rice.

17 Okay. Yes?

18 MR. BULSA: What's your last name?

19 MR. FLOURNOY: Flournoy.

20 THE COURT REPORTER: What was his number?

21 MR. BULSA: Fifty-three.

22 THE COURT REPORTER: Fifty-three.

23 (Bench conference with Juror 53.)

24 THE COURT: Thank you, sir. Well -- and,
25 again, would that affect your ability to be

1 fair and impartial?

2 MR. FLOURNOY: No, ma'am. Not that I know of.

3 THE COURT: Okay. Thank you.

4 All right. Has any other juror already
5 formed an opinion or made up his -- their mind
6 as to how this case ought to come out based on
7 what you've heard up until this point or based
8 upon any consideration? If so, please stand.
9 No response.

10 Has anyone already made up your mind as
11 to what you think the verdict ought to be in
12 this case? If so, please stand. No response.

13 Is there any member of the jury panel
14 that knows of any reason whatsoever why you
15 think you could not be fair and impartial if
16 you were called to serve as a juror in this
17 particular case? If you think there's any
18 reason, at all, why you could not be fair and
19 impartial, I would ask that you please stand
20 at this time.

21 All right. There is there no response to
22 that. And so, I will now ask Counsel: Any
23 further questions? From the State?

24 MR. BULSA: No, ma'am. No, Your Honor.

25 THE COURT: From the Defense?

1 MR. DELANEY: No, Your Honor.

2 THE COURT: Okay. Thank you. I will now look
3 to Madam Clerk.

4 MR. BULSA: May we approach, Your Honor.

5 THE COURT: Yes, sir. Do I need the court
6 reporter?

7 MR. BULSA: Well --

8 THE COURT: Oh. Are there any strikes for
9 cause?

10 STRIKES FOR CAUSE

11 MR. BULSA: Yes, ma'am. That's why I was --

12 THE COURT: Okay. We're going to need to go
13 over here, all right? Let me get my list.
14 Okay. Strikes for cause.

15 MR. BULSA: Juror 137, Your Honor.

16 THE COURT: Okay. Just, first, if you can
17 give them to me, and then I'll try to -- give
18 them all to me.

19 MR. BULSA: Just her.

20 THE COURT: One?

21 MR. BULSA: That's the only one I had. If I
22 had more time to research, I might could find
23 some others. I think I prosecuted some of
24 them.

25 MR. DELANEY: And your -- your --

1 THE COURT: Wait just one second.

2 MR. DELANEY: Oh. I'm sorry.

3 THE COURT: What --

4 MR. BULSA: She's the lady who had (as spoken)
5 her brother is currently in the detention
6 center for the same kind of charges, attempted
7 murder. Most likely being represented by the
8 PD.

9 MR. DELANEY: Well --

10 THE COURT: I mean, we just don't have enough
11 information.

12 MR. DELANEY: Yeah. And, again, she was asked
13 if that -- if that would cause her to not be
14 able to render a fair and impartial jury (as
15 spoken) in this matter, and she responded,
16 "No." Just like everybody else, so . . .

17 MR. BULSA: I would like to at least research
18 and see if -- if he's represented by the
19 public defender, then I think she needs to be
20 struck, because that's --

21 MR. DELANEY: Well, that's fine. But if --

22 THE COURT: Okay. So -- shush, shush. All
23 right. So this is his name?

24 MR. BULSA: Jurrell Thompson.

25 THE COURT: How can we find out?

1 MR. BULSA: If I can get in the PC, it will be
2 simple.

3 MR. DELANEY: If she -- if she's represented
4 on file, then she's gone. If -- if he's not,
5 then she stays. Can we agree on that?

6 THE BULSA: Uh-huh.

7 MR. DELANEY: Okay.

8 THE COURT: Now, any strikes for cause by the
9 defendant?

10 MR. DELANEY: I didn't see any there.

11 THE COURT: So that's a no?

12 MR. DELANEY: That's a no.

13 THE COURT: On the record. Okay. We're gonna
14 find out about this one person, okay?

15 MR. DELANEY: Uh-huh.

16 THE COURT: How long will it take? Okay.

17 MR. BULSA: It's a lawyer, it's Jacqueline out
18 of Greenville that's got him. Jacqueline out
19 of Greenville has -- is representing Mr.
20 Thompson.

21 MR. DELANEY: So she stays.

22 THE COURT: Okay. Okay. Thank you.

23 THE COURT REPORTER: Yes, ma'am.

24 THE COURT: She stays in. This is on the
25 record, okay?

1 THE COURT REPORTER: Oh, okay.

2 THE COURT: She stay -- she is staying in,
3 Juror Number 137, Ms. Poole. Her brother is
4 represented out of Greenville, or out of a
5 different office, okay?

6 THE COURT REPORTER: Uh-huh.

7 THE COURT: All right. Counsel, are you all
8 ready?

9 MR. DELANEY: Yes, Your Honor.

10 MR. BULSA: Yes, ma'am.

11 THE COURT: All right. Ladies and gentlemen,
12 if your name -- sorry. I'm not used to this.

13 Ladies and gentlemen, if your name is
14 called, I'm going to ask you to stand, you'll
15 need to bring your belongings with you, all
16 right? And you're going to come down just --
17 I'm wondering how far -- to where Mr. James is
18 standing right here, with the red jacket on.
19 And then, if you are chosen to serve, you will
20 go over to my far right, your far left to be
21 seated. We have the bailiff over there that
22 is going to instruct you on where to be
23 seated, all right? So remember to bring your
24 belongings, all right, just in case. All
25 right. And so our deputy clerk, Ms. Tonya

1 Camp is now going to call the names -- the
2 potential names for the jury.

3 JURY SELECTION

4 THE CLERK: Juror Number 49, Olga Febus. What
5 says the State?

6 MR. BULSA: Please excuse this juror.

7 THE CLERK: Juror Number 16, Melodie Booker.
8 What says the State?

9 MR. BULSA: Please present the juror.

10 THE CLERK: What says Defense?

11 MR. DELANEY: Please present the juror.

12 THE CLERK: Juror Number 137, Vastyne Poole.
13 What says the State?

14 MR. BULSA: Please excuse the juror in this
15 case.

16 THE CLERK: 173, Angeline Voiers. What says
17 the State?

18 MR. BULSA: Please present the juror.

19 THE CLERK: What says Defense?

20 MR. DELANEY: Please present the juror.

21 THE CLERK: Fifty-four, Anisha Foster. What
22 says the State?

23 MR. BULSA: Please present the juror.

24 THE CLERK: What says Defense?

25 MR. DELANEY: Please excuse this juror.

1 THE CLERK: One, zero, nine, Nicholas McGill.
2 What says the State?
3 MR. BULSA: What's that number?
4 MR. DELANEY: One, oh, nine.
5 MR. BULSA: Please present the juror.
6 THE CLERK: What says Defense?
7 MR. DELANEY: Please present the juror.
8 THE CLERK: Eighty-seven, Tegis Jenks. What
9 says the State?
10 MR. BULSA: Please present the juror.
11 THE CLERK: What says Defense?
12 MR. DELANEY: Please present the juror.
13 MR. TEGIS: I knew I'd get picked for this
14 shit.
15 THE CLERK: 168, Joshua Tolbert. What says
16 the State?
17 MR. BULSA: Please present the juror.
18 THE CLERK: What says Defense?
19 MR. DELANEY: Please excuse this juror.
20 THE CLERK: Eighty-six, Deante Hunter. What
21 says the State?
22 MR. BULSA: Please present the juror.
23 THE CLERK: What says Defense?
24 MR. DELANEY: Please present the juror.
25 THE CLERK: Number 92, Agnesa Kiforishina.

1 What says the State?

2 MR. BULSA: Please present the juror.

3 THE CLERK: What says Defense?

4 MR. DELANEY: Please present the juror.

5 THE CLERK: 145, Wanita Ruppert. What says

6 the State?

7 MR. BULSA: Please present the juror.

8 THE CLERK: What says Defense?

9 MR. DELANEY: Please excuse the juror.

10 THE CLERK: Seventy-five, Matthew Hedgepath.

11 What says the State?

12 MR. BULSA: Please present the juror.

13 THE CLERK: What says Defense?

14 MR. DELANEY: Please excuse the juror.

15 THE CLERK: Number 11, Dominique Belgrave.

16 What says the State?

17 MR. BULSA: Please present the juror.

18 THE CLERK: What says Defense?

19 MR. DELANEY: Please present the juror.

20 THE CLERK: Number 105, Lisa Lytle. What says

21 the State?

22 MR. BULSA: Please present the juror.

23 THE CLERK: What says Defense?

24 MR. DELANEY: Please excuse the juror.

25 THE CLERK: Number 47, Hannah England. What

1 says the State?

2 MR. BULSA: Please present the juror.

3 THE CLERK: What says Defense?

4 MR. DELANEY: Please present the juror.

5 THE CLERK: Number 127, Monika Origlio. What

6 says the State?

7 MR. BULSA: Please present the juror.

8 THE CLERK: What says Defense?

9 MR. DELANEY: Please present the juror.

10 THE CLERK: Number 57, William Fowler. What

11 says the State?

12 MR. DELANEY: Please excuse the juror.

13 MR. BULSA: I was going to present --

14 THE COURT: Well, wait a minute.

15 MR. BULSA: Please present the juror.

16 MR. DELANEY: Please excuse the juror.

17 THE COURT: Thank you, Mr. Fowler.

18 THE CLERK: Number 28, Tracy C. Campfield, Jr.

19 What says the State?

20 MR. BULSA: Please excuse the juror in this

21 case.

22 THE CLERK: Number 42, Jordan (as spoken)

23 Dominick. What says the State?

24 MR. BULSA: Please present the juror.

25 THE CLERK: What says Defense?

1 MR. DELANEY: Please present the juror.
2 THE CLERK: Number 138, Matthew Price. What
3 says the State?
4 MR. BULSA: Please present the juror.
5 THE CLERK: What says Defense?
6 MR. DELANEY: Please excuse the juror.
7 THE CLERK: Number 60, Matthew -- Michael D.
8 Frye.
9 MR. DELANEY: What number is that? I'm sorry.
10 THE CLERK: It's Number 60, Michael D. Frye.
11 What says the State?
12 MR. BULSA: Please present the juror.
13 THE CLERK: What says Defense?
14 MR. DELANEY: Please present the juror.
15 THE CLERK: Number 132, Rushil Patel. What
16 says the State?
17 MR. BULSA: Please present the juror.
18 THE CLERK: What says Defense?
19 MR. DELANEY: Please present the juror.
20 THE CLERK: We're now selecting the alternate
21 (as spoken.) Number 63, Melissa Goad. What
22 says the State?
23 MR. BULSA: Please present the juror.
24 THE CLERK: What says Defense?
25 MR. DELANEY: Please present the juror.

1 THE CLERK: Number 53, Douglas Flournoy. I'm
2 sorry. What says the State?
3 MR. BULSA: Please excuse the juror in this
4 case.
5 THE CLERK: Number 163, Matthew Teaster. What
6 says the State?
7 MR. BULSA: Please present the juror.
8 THE CLERK: What says Defense?
9 MR. DELANEY: Please present the juror.
10 THE CLERK: Your Honor, jury selection is
11 complete.
12 THE COURT: Thank you, ma'am. Counsel?
13 (Bench conference with Judge Knie,
14 Counsel and the court reporter.)
15 THE COURT: Okay. Any exceptions or
16 objections to the jury by the State?
17 MR. BULSA: Yes, ma'am. Number 87. When he
18 was walking by after selected, he cursed under
19 his breath about having to sit.
20 THE COURT REPORTER: I heard that.
21 THE COURT: Okay.
22 MR. DELANEY: None from the Defense.
23 THE COURT: Okay. So I guess I'm gonna need
24 to hear from y'all on this?
25 MR. DELANEY: Well, what did he say?

1 THE COURT: Why don't -- we're gonna have to
2 go.

3 THE COURT REPORTER: Okay. I can tell you.

4 (End of bench conference.)

5 THE COURT: (To the Jury Pool) If everyone can
6 be patient with us, we will reconvene in just
7 a moment.

8 (An in chambers meeting was held.)

9 JUDGE'S CHAMBERS

10 THE COURT: Okay. The clerk is going to
11 release the remainder of the jury this -- to
12 call back tonight after six, okay. So at
13 least they're -- they're gone. It is just our
14 immediate jury right now, okay?

15 THE COURT REPORTER: Okay.

16 THE BAILIFF: (To Mr. Bulsa) What is his
17 number?

18 MR. BULSA: Eighty-seven.

19 THE COURT: (To Mr. Jenks) Hey. Good
20 afternoon.

21 MR. JENKS: What's up?

22 THE COURT: Sir, can you state your full name?

23 MR. JENKS: Tegis Davone (phonetic) Jenks.

24 THE COURT: Mr. Jenks. And your juror number?

25 MR. JENKS: Eighty-seven.

1 THE COURT: Okay. Sir, I'm Judge Knie, and,
2 sir, the reason that we called you back here,
3 apparently, when you were chosen to serve on
4 the jury and you were standing to walk, there
5 -- there was some statement that you made that
6 some folks heard you say. Did you say
7 something?

8 MR. JENKS: I mean, yeah.

9 THE COURT: What'd you say?

10 MR. JENKS: I said, "I got to do it."

11 THE COURT: Did you say anything else?

12 MR. JENKS: I said, "I got to do it." What's
13 wrong with that?

14 THE COURT: Did you say anything else?

15 MR. JENKS: That's what I said. "I got to do
16 it."

17 THE COURT: Sir, at any time, did you use any
18 type of profanity?

19 MR. JENKS: I mean, probably. I don't know.

20 THE COURT: Can you tell me what you really
21 think you said?

22 MR. JENKS: Well, I know I said, "I got to do
23 it," when you said I got to be chosen.

24 THE COURT: Sir, do -- do you know if anyone
25 else heard your statements?

1 MR. JENKS: I don't know. I don't know. I
2 don't know. Like, I've been here all day. I
3 don't know. Just -- I don't know. Whatever
4 the word is, it's the word. I don't know. I
5 ain't -- it ain't up to me. I don't know.
6 THE COURT: Sir, where were you seated in the
7 auditorium?
8 MR. JENKS: You mean the first time or the
9 second time?
10 THE COURT: Let's just say the first time.
11 MR. JENKS: On the -- I think it was Row E,
12 probably.
13 THE COURT: Okay. And then you came down to
14 the front --
15 MR. JENKS: Uh-huh.
16 THE COURT: -- and stood with the bailiff,
17 correct?
18 MR. JENKS: Uh-huh.
19 THE COURT: And, sir, that would have been
20 closest to the Defense table and the -- the
21 State's table, correct?
22 MR. JENKS: I guess. I don't know.
23 THE COURT: Where the lawyers were?
24 MR. JENKS: Uh-huh. I guess. I don't know.
25 THE COURT: Okay. And so you stood there, and

1 then after you were chosen, what did you say?

2 MR. JENKS: "I gotta go do this."

3 THE COURT: At any time did you use any
4 profanity?

5 MR. JENKS: If I did, it probably slipped out.
6 I don't know. Like I said, "I gotta go do
7 it."

8 THE COURT: Sir, when you went and then you
9 sat down with the rest of the jury panel, did
10 you say anything to anyone else?

11 MR. JENKS: I didn't say nothing to them
12 people. I sat down, like, I sat down. I -- I
13 don't know what happened. This shit crazy.

14 THE COURT: Anything else?

15 THE COURT REPORTER: Can you --

16 MR. DELANEY: No, Your Honor.

17 THE COURT REPORTER: Okay.

18 MR. DELANEY: Brendan Delaney. No, Your
19 Honor.

20 THE COURT REPORTER: Okay. Thank you.

21 MR. BULSA: No. No from the State.

22 THE COURT REPORTER: Okay.

23 MR. BULSA: Nothing else.

24 THE COURT: Okay. All right.

25 THE COURT: Thank you, sir. And, again, I'm

1 not trying to embarrass you or cause you
2 any -- any upset. It's just that something
3 was brought to my attention. I'm trying to
4 get to the bottom of it, okay? My -- my job
5 is --

6 MR. JENKS: I'm chilling.

7 THE COURT: -- is a very difficult one in a
8 situation like this, to make sure that -- that
9 everyone is treated fairly.

10 MR. JENKS: Yeah.

11 THE COURT: Do you understand?

12 MR. JENKS: I'm just chilling. I had to come
13 here, got to do whatever y'all say. I'm
14 chilling. Part of the plan.

15 THE COURT: Thank you, sir. All right. (To
16 the bailiff) You can take him back out. (To
17 Mr. Jenks) Thank you.

18 THE BAILIFF: Yes, ma'am.

19 THE COURT: (To Mr. Jenks) Thank you for your
20 time.

21 MR. JENKS: Peace.

22 THE COURT: Okay. And so, now, Deputy
23 Solicitor, again, you -- I guess, maybe we
24 need to shut the door now --

25 THE COURT REPORTER: Uh-huh.

1 THE COURT: -- okay? At the conclusion of our
2 jury selection, I did approach the court
3 reporter with counsel and asked if there were
4 any objections or exceptions to the selection
5 of the jury by the State or the Defense. At
6 which time, the Deputy Solicitor indicated
7 that he did take issue with Juror Number 87,
8 based on statements that the juror made as he
9 walked past counsel table going to be seated
10 after selection.

11 MR. BULSA: Yes, ma'am. The juror was
12 selected -- presented by the State and
13 selected by the Defense. As he heard he was
14 selected, he uttered a curse word under his
15 breath. As he walked by me -- I believe
16 probably in front of another juror that was
17 seated in the front row, as well -- and it was
18 clear that he didn't want to be here, and it's
19 clear his attitude was poor. And it -- I
20 believe it would affect his service on the
21 jury, and possibly affect other jurors. So we
22 ask that he be removed.

23 THE COURT: Okay. What says the Defense?

24 MR. BARNETTE: Your Honor, before we go on
25 here, can I talk to the Deputy Solicitor for

1 one second?

2 MR. BULSA: Can I be heard on the motion,
3 Barry?

4 MR. BARNETTE: No. Well --

5 THE COURT: Just off the record for a second.

6 (Off the record at 2:24 p.m.)

7 (Back on the record at 2:26 p.m.)

8 MR. DELANEY: Brendan Delaney for the
9 Defendant Daniel Means, Your Honor. On the
10 motion, we feel like the -- the juror should
11 stay. He was questioned by the Court. He
12 didn't -- his -- his questions and response to
13 the questions from Your Honor were that he
14 said, "I gotta do this. I gotta do this."
15 You know, I believe Mr. Bulsa and the court
16 reporter may have heard him utter the word
17 "shit." I didn't hear him say it.

18 Again, the -- Mr. Bulsa asked for him to
19 be put on the jury. I asked for him to be put
20 on the jury, and then allegedly he said
21 something with some profanity in it. I don't
22 think, based on his responses to Your Honor's
23 questions, it rised (as spoken) to the --
24 rises to the level for him to be removed from
25 the jury at this time. So we would ask the

1 Court to keep him on the jury. Thank you.

2 THE COURT: Anything else?

3 MR. DELANEY: No, Your Honor.

4 THE COURT: Anything else from the State?

5 MR. BULSA: No. No, ma'am.

6 THE COURT: Okay. Thank you. I will do some
7 research, and I will let you-all know of my
8 decision in the morning. It is now almost
9 2:30, and I am going to instruct this jury
10 panel with the alternates to come to the
11 county courthouse at 9:30 in the morning, all
12 right? All right.

13 MR. DELANEY: Sounds good.

14 THE COURT: Okay.

15 MR. BULSA: Thank you, Your Honor.

16 THE COURT: Okay. Thank you-all.

17 (Off the record at 2:28 p.m.)

18 (Back on the record at 2:30 p.m.)

19 THE COURT: All right. Thank you all, again,
20 for your patience. I know it has been a long
21 day for all of you, and I am getting ready to
22 release y'all until in the morning at 9:30. I
23 do want to caution you all about a few things.

24 First of all, please don't discuss this
25 matter that you've been here today about with

1 anyone: friends, family members, your spouse.
2 When I go home tonight, I'll say, "It's been
3 an exciting day, and we're going forward with
4 a week of jury trials." And that's all I'm
5 gonna tell my husband, even. I'm sure that
6 y'all probably feel like you need to say a lot
7 more, but, please, don't discuss anything
8 about the trial of the case -- the case that
9 y'all have been drawn to hear. That would be
10 unfair to everyone: the Defense and the
11 State.

12 Now, also, don't do any independent
13 investigating. Don't do any research about
14 anyone or anything related to the case. All
15 information regarding this case should come
16 from the courtroom while you are in the
17 courtroom, all of the evidence. Please don't
18 discuss the case even among yourselves. You
19 can talk about the weather. You can talk
20 about how hot it's getting. You can talk
21 about Krispy Kreme Donuts, or, you know, the
22 Spartanburg Auditorium, what a wonderful
23 facility it is. But you cannot talk about the
24 case. You cannot begin deliberating right
25 now. You know nothing about it except what

1 you have learned today, and, again, that would
2 be unfair to all parties involved.

3 And so, with that, I am going to thank
4 you all, again. I want you to take
5 instruction from the folks here who are
6 wearing the red jackets, and they are going to
7 tell you that in the morning you will not
8 report to this auditorium. You are going to
9 report to the Spartanburg County Courthouse.
10 It is at 180 Magnolia Street, just about a
11 block from here. And they will also tell you
12 that there's a parking garage there for you to
13 park in, and then you'll walk, just maybe, a
14 half a block to the courthouse.

15 When you get there, you need to look for
16 direction from either a bailiff or one of the
17 deputies who will be working that door.

18 (To the Clerk of Court) And they will
19 enter the main door of the courthouse where
20 the flagpole is; is that correct?

21 THE CLERK OF COURT: Yes, Your Honor.

22 THE COURT: Okay. (To the jury) And I just
23 don't want to tell y'all wrong. And, so, I
24 will see you all at 9:30 in the morning. We
25 have lots of matters that I need to take up

1 this afternoon with the lawyers, and I also
2 have some other matters on my docket for the
3 afternoon.

4 And, so, tomorrow morning we will take up
5 the case at 9:30. Please be prompt. We
6 cannot get started until you all are there.
7 Thank you so very much. Have a nice afternoon
8 and evening, and, again, I'll see you at 9:30
9 in the morning at the Spartanburg County
10 Courthouse. Thank you.

11 (WHEREUPON, the jury was excused at 2:33
12 p.m.)

13 (Off the record at 2:33 p.m.)

14 PRETRIAL MOTIONS

15 (On the record at 4:09 p.m.)

16 THE BAILIFF: Remain seated. Come to order.

17 MR. DELANEY: They're bringing the defendant
18 around right now, Judge.

19 THE COURT: Thank y'all.

20 Okay. Gentlemen and -- well, if they
21 could call the gentlemen that I'm addressing
22 right now. Good afternoon. It's been an
23 interesting day, and I appreciate everyone's
24 efforts to keep things moving. We are now at
25 Spartanburg County Courthouse, at 180 Magnolia

1 Street, for the purposes of -- of hearing a
2 motion. The court reporter is Amber Payne.
3 Our deputy clerk is present, Ms. Tonya Camp.
4 Also, my administrative assistant, Ashley
5 Searcy, is seated to my right.

6 Present in the courtroom is the deputy
7 solicitor, Derrick Bulsa, as well as defense
8 counsel, Brendan Delaney and Dan MacDonald, as
9 well as the defendant, Mr. Means. Good
10 afternoon, again, everyone.

11 And so, it's my understanding that there
12 is a matter that I need to take up. We have
13 not yet sworn the jury and even though we have
14 selected one, and so I will call upon Counsel
15 to place on the record the nature of the
16 motion.

17 MR. MACDONALD: Judge, we've got a -- a motion
18 today to suppress the interview that was --
19 that has Daniel Means -- the interview is
20 about a 15-minute-long interview with
21 Investigator Nelson and Investigator Taylor,
22 under the grounds of he was not properly
23 Mirandized and that he had revoked his right
24 to counsel. So for those two reasons, we're
25 asking that his interview be suppressed.

1 THE COURT: Thank you, sir. Mr. Delaney,
2 anything else from you before I hear from the
3 deputy solicitor?

4 MR. DELANEY: No. It's my understanding --
5 just procedurally, are we going to view the
6 video first, Judge?

7 THE COURT: Excuse me just one moment.
8 Apparently, someone is locked out.

9 MR. BULSA: I think it's my tech man, Your
10 Honor. Yeah. Come on in, Joe. We're gonna
11 play this video; I need him to help me set it
12 up.

13 THE COURT: Okay. All right. I'm sorry. Mr.
14 Delaney, sir?

15 MR. DELANEY: Yeah. I just -- I know Mr.
16 MacDonald is going to argue the matter, but
17 he's saving his -- any arguments he has until
18 after we view the video.

19 THE COURT: Okay. All right. All right. And
20 so this statement is on video, and it is not
21 reduced to writing; is that correct?

22 MR. BULSA: That's correct, Your Honor.

23 THE COURT: All right. And so the State has
24 to prove by preponderance of the evidence that
25 the statement was voluntary -- voluntarily

1 given and in compliance with Miranda. It is
2 the Defendant's motion, but the State has the
3 burden of proof. And so the State will
4 proceed first.

5 And for the benefit of our court
6 reporter, if there are exhibits that are going
7 to be offered, they will be marked as State's
8 -- can't say it -- Suppression Exhibits, okay?
9 And then later, if they are used at trial,
10 they will get a new exhibit sticker, all
11 right?

12 MR. BULSA: Like I said, Your Honor, I do have
13 two I would like marked.

14 THE COURT REPORTER: Mr. Bulsa, does it matter
15 which one is "one" and which one is "two"?

16 MR. BULSA: One -- this would be one --

17 THE COURT REPORTER: One?

18 MR. BULSA: -- and this would --

19 THE COURT REPORTER: Okay.

20 MR. BULSA: -- be two, yes, ma'am.

21 THE COURT REPORTER: Okay.

22 MR. BULSA: Okay?

23 THE COURT REPORTER: Uh-huh.

24 MR. BULSA: All right. Your Honor, at this
25 time, the State will call Louis Nelson.

1 THE COURT: At this point, these suppression
2 exhibits have been marked as Exhibits 1 and 2
3 for identification only.

4 (WHEREUPON, the Miranda Rights form, it
5 is marked for identification as State's
6 Suppression Exhibit No. 1.)

7 (WHEREUPON, the video, it is marked for
8 identification as State's Suppression
9 Exhibit No. 2.)

10 THE COURT: Yes, sir. If you would state your
11 full name?

12 MR. NELSON: Louis Maceo Nelson, Sr.

13 THE COURT: Yes, sir. If you'll raise your
14 right hand.

15 (WHEREUPON, the witness was sworn.)

16 THE COURT: Yes, sir. Make yourself
17 comfortable.

18 DIRECT EXAMINATION

19 BY MR. BULSA:

20 Q Investigator Nelson, do you work for the
21 Spartanburg Police Department?

22 A I do.

23 Q And how long have you been an investigator there?

24 A With the City of Spartanburg, roughly, about 12
25 years.

1 Q Do you and Chris Taylor work cases a lot together?

2 A Yes, sir. We work major crimes.

3 Q Were you investigating a shooting at Gravy's Grill

4 on November -- that occurred on November the 10th

5 of 2018?

6 A Yes. I was.

7 Q Had Daniel Means been developed as a suspect?

8 A He -- he was eventually within 24 to 48 hours --

9 Q Okay.

10 A -- developed as a suspect.

11 Q Were warrants signed on him for his arrest?

12 A Yes. They were.

13 Q Do you know when he was apprehended?

14 A Not verbatim right off -- not directly off the top

15 of my head.

16 Q Did you and Mr. Taylor have an opportunity to

17 interview him after he was arrested?

18 A Yes. On the day of his arrest.

19 Q Okay. So where was that interview?

20 A Interview was at City Hall in our interview room

21 upstairs, adjacent to the criminal investigations

22 division.

23 Q Do you recall how Mr. Means got brought to you?

24 A County officer. I believe it was Dustin McClary.

25 He used to work with the City of Spartanburg and so

1 we know him and he's on the warrant team with the
2 sheriff's office now. So we -- oftentimes we'll
3 contact him when we're trying to apprehend someone
4 that may be outside of the city.

5 Q Okay. So you believe it was Deputy McClary that
6 brought Mr. Means to City Hall?

7 A Yes, sir.

8 Q Okay.

9 THE COURT: Counsel, can I interrupt you just
10 for just one --

11 MR. BULSA: Yes, ma'am.

12 THE COURT: -- moment? Investigator Nelson,
13 sir, just give me one moment with the Deputy
14 Solicitor and Counsel.

15 (WHEREUPON, a sidebar was held.)

16 THE COURT: Thank you.

17 MR. BULSA: Thank you, Judge.

18 MR. DELANEY: Thank you, Judge.

19 THE COURT: Yes, sir. Please continue.

20 Q Okay. And what's one of the first things you do
21 when you begin an interview with someone?

22 A First thing we -- we do, generally, is just advise
23 them of their rights.

24 Q Okay. Do you recall specifically an interview of
25 Mr. Means?

- 1 A Yes. I have.
- 2 Q Was that recorded in any way?
- 3 A Yes. It was recorded by a digital recording
4 system, the L-3 system in --
- 5 Q Okay.
- 6 A -- in the interview room.
- 7 Q All right. In the interview room would have
8 consisted of you, Mr. Taylor, and Mr. Means?
- 9 A That's correct.
- 10 Q Okay. Let me show you what's been marked as
11 State's Exhibit Number 1 for this hearing.
- 12 Is that the form that would have been used
13 before speaking with Mr. Means about this incident?
- 14 A Yes, sir. It is.
- 15 Q Okay. And the primary interviewer was Mr. Taylor;
16 is that right?
- 17 A Yes.
- 18 Q So you were present --
- 19 A He was the lead --
- 20 Q -- in the room for most of the time, as well,
21 right?
- 22 A That's correct. I was in the room.
- 23 Q In fact, your name is also on this form?
- 24 A Yes. As a witness.
- 25 Q Okay. All right.

1 MR. BULSA: I would hand this up to Your
2 Honor.

3 THE COURT: (To the Defense) Counsel, have
4 you-all seen this?

5 MR. MACDONALD: Yes, Your Honor.

6 THE COURT: Any objection?

7 MR. MACDONALD: No, Your Honor.

8 THE COURT: Okay. State's Suppression Exhibit
9 1 is in without objection.

10 (WHEREUPON, State's Suppression Exhibit
11 No. 1 was marked into evidence.)

12 Q Now --

13 MR. BULSA: May I have it back?

14 THE COURT: Yes.

15 Q Investigator Taylor wrote most of the items on
16 this, right?

17 A That's correct.

18 Q And when he read this form to the defendant, did he
19 have the defendant make any marks on it?

20 A Yes. He checked each box as he read each one of
21 the individual rights, and he asked Mr. Means if he
22 understood his rights to initial each line beside
23 each one of his individual rights. And that would
24 indicate that he understood his rights fully.

25 Q Okay. And then Mr. Means also signed that document

1 stating he understood it?

2 A Yes. He did.

3 Q Okay. And then, before you went further,

4 Investigator Taylor would have asked him he wanted

5 -- if Mr. Means wanted to waive those rights; is

6 that correct?

7 A That's correct.

8 Q And he did not actually waive those rights, did he?

9 A He did not.

10 Q Okay. Did the interview continue?

11 A For a brief -- briefly, yes. It did.

12 Q Okay. But -- but were you or Mr. Taylor asking any

13 questions?

14 A No.

15 Q Okay.

16 A No. We --

17 Q What was taking place?

18 A Mr. Means -- I guess you could say he became a

19 little agitated, and he began to ask Mr. Taylor --

20 or Investigator Taylor certain questions. And Mr.

21 Taylor didn't feel like he needed to answer those

22 questions, and he -- he told him that -- he

23 basically told us information as to where he was

24 that evening; and he wanted to see a video that we

25 told him that we had.

1 Q So the -- we've got the video. We'll watch it.
2 But just to put it in perspective for the Court,
3 the information that Mr. Means would have given to
4 you if Mr. Taylor was at his own accord, not via
5 questioning; is that right?

6 A That's correct.

7 Q Okay. And you've seen the video in preparation for
8 this trial, right?

9 A I have.

10 Q Okay. Now, you don't know if it's actually on this
11 disk, but I -- I put it on this disk, and we'll
12 play it now, if we can.

13 MR. BULSA: Your Honor, that's State's Exhibit
14 Number 2 for this hearing, if I could publish
15 it?

16 THE COURT: Any --

17 MR. MACDONALD: No objection.

18 THE COURT: -- objection?

19 MR. MACDONALD: No objection, Your Honor.

20 THE COURT: Okay. State's Suppression Exhibit
21 Number 2 will be played at this time.

22 (To the witness) Sir, do you need to
23 step down to see this?

24 THE WITNESS: No, Your Honor. I'm fine. I
25 think I can see it from here.

1 THE COURT: All right. Can the defendant see
2 the screen? You all right?

3 MR. MACDONALD: Yes, Your Honor.

4 THE COURT: Does anybody else need to move
5 around? Okay.

6 (WHEREUPON, State's Suppression Exhibit
7 No. 2 was played in open court.)

8 Q All right. Mr. Nelson, is that the entirety of the
9 interview?

10 A It is.

11 Q And we saw him when he was first in and you were
12 unhandcuffing him, moving him from back to the
13 front?

14 A That's correct.

15 Q Okay. And I think he even asked for some water.
16 Did you bring him some water?

17 A I think I asked one of the officers outside to --
18 to get some water --

19 Q Okay.

20 A -- while we -- while I stayed in the room.

21 Q It didn't look like he ever got it, because the
22 interview didn't last long enough --

23 A No, sir.

24 Q -- right?

25 A It didn't.

- 1 Q Okay. That interview was, what, about 15 minutes?
- 2 A Twelve minutes and some change, I think.
- 3 Q Okay. All right. We saw the way that the
- 4 interchange went. Why is it that y'all didn't
- 5 continue questioning him?
- 6 A Because he -- even if someone hints at wanting a
- 7 lawyer, we -- we go ahead at that point and
- 8 terminate the interview --
- 9 Q Okay.
- 10 A -- unless they just make it just abundantly known
- 11 to us that they want -- and he -- he said something
- 12 about a lawyer, so . . .
- 13 Q Okay. You hear the word "lawyer," and you pretty
- 14 much stop the interview process?
- 15 A (Nods head up and down.)
- 16 Q Okay. All right. Thank you. And I think that was
- 17 actually noted on the State's Exhibit Number 1; is
- 18 that true?
- 19 A Yes. It is noted at the waiver of rights where he
- 20 was supposed to sign that he requested a lawyer.
- 21 Q Okay. And in that interview, y'all did not ask him
- 22 any questions about this case? You didn't get to
- 23 that --
- 24 A We --
- 25 Q -- step?

1 A -- we didn't have an opportunity.

2 Q Okay. And any information he gave was from
3 himself?

4 A It was --

5 Q It was not --

6 A -- voluntarily from him --

7 Q -- prompted? Okay.

8 A -- pleading his case.

9 Q Okay.

10 MR. BULSA: Thank you. Ask -- answer any
11 questions Defense Counsel has.

12 THE COURT: Mr. MacDonald, cross-examination?

13 MR. MACDONALD: Thank you, Judge. I'm gonna
14 keep it brief and rely mostly on the video.

15 CROSS-EXAMINATION

16 BY MR. MACDONALD:

17 Q Investigator Taylor, you said when you hear someone
18 mention that they want a lawyer, you're instructed
19 to terminate the interview; is that correct?

20 A Yes.

21 Q Isn't it true that Mr. Means had mentioned wanting
22 a lawyer at three different points during that
23 interview?

24 A Well, he continued to talk.

25 Q Isn't it true that you acknowledged that he was

1 going to have to retain a lawyer and then, "That
2 lawyer can contact us," if he wanted to speak to
3 you?

4 A Yes.

5 Q Okay. So by stating that, you understood that he
6 wanted a lawyer at that point; is that correct?

7 A That's -- that -- those were his intentions, yes.

8 Q So you were of the understanding at that point that
9 he wanted he wanted a lawyer?

10 A Yes, sir. And I didn't -- didn't ask him any other
11 questions at that point.

12 MR. MACDONALD: I've got no further questions,
13 Judge, just -- just arguments.

14 THE COURT: Okay. Thank you. Anything on
15 redirect?

16 MR. BULSA: Nothing further, ma'am.

17 THE COURT: Okay. Investigator Nelson, sir.
18 Step down. Thank you for your time.

19 THE WITNESS: Yes, ma'am. Thank you.

20 (WHEREUPON, the witness was excused.)

21 MR. BULSA: That would be the State's showing
22 regarding the voluntariness of the statements
23 -- of the interview, actually.

24 THE COURT: Okay. Now, Dan, is -- do y'all
25 intend to present anything?

1 MR. MACDONALD: No, Your Honor.

2 THE COURT: Okay.

3 MR. MACDONALD: Just our arguments based off
4 of the video.

5 THE COURT: Does your client want to address
6 the Court through testimony?

7 MR. MACDONALD: Your Honor, we're not calling
8 any witnesses.

9 THE COURT: Okay. And so, again, Mr. Daniel
10 Means is not going to testify; is that
11 correct?

12 MR. MACDONALD: That's correct, Your Honor.

13 THE COURT: Mr. Means, sir, is that correct?

14 MR. MEANS: Yes. Yes, ma'am.

15 THE COURT: All right. Thank you. Mr.
16 MacDonald?

17 MR. MACDONALD: Thank you, Judge. We're
18 asking that you suppress all comments made in
19 this video from the moment that Mr. Means
20 invokes his right to counsel. There's three
21 different occasions during the video where he
22 invokes his right to counsel. At 8:16:00,
23 Daniel Means states, "I understand truly. I
24 would love to have a lawyer present, you know
25 what I mean." That was when asked about

1 the -- his Miranda rights and his rights to be
2 waived.

3 On a second occasion, again, he was
4 prompted about waiving his rights, and at
5 8:17:07, in the video, he -- Daniel Means
6 states, "I want to ask one question first.
7 When I get my lawyer up here, could we
8 continue this another day?"

9 And then, again, at 8:17:50, Mr. Means
10 states, "I did not do any of this. Yes. I
11 want my lawyer, but this is what y'all think."

12 At -- at 8:18:05 in the video,
13 Investigator Nelson acknowledges that Daniel
14 Means has made it clear he wants to retain a
15 lawyer, and at 8:20:40 Investigator Taylor
16 makes it clear that he understands that Daniel
17 Means wants a lawyer, as well.

18 The whole point of this, Judge, is that
19 once Mr. Means had first invoked his right to
20 counsel, the police should have ceased
21 questioning immediately. What the police was
22 doing -- what Investigator Taylor was doing
23 was he was continuing to try to get him to
24 waive his rights to an attorney, even after he
25 had invoked his right to an attorney. He was

1 trying to elicit Mr. Means to make more
2 comments about the incident. Every time he
3 mentioned waiving his right to counsel, Mr.
4 Means would start talking about the incident,
5 even though he had asked for his -- he -- he
6 had already asked for counsel, and so this --
7 that entire interview should have ended.

8 Judge, so for that reason, I believe it's
9 clear that Mr. Means has invoked his right to
10 counsel, so any sort of statements made
11 afterwards were elicited by law enforcement
12 during the questioning and should be
13 suppressed at this time.

14 The other factor that we -- reason why
15 we'd like to suppress the statements is that
16 Daniel was not properly Mirandized, Judge.
17 You actually can hear in the video
18 Investigator Taylor tell him at 8:16:20,
19 "Before you continue with that comment, let me
20 finish this Miranda warning. Like I said, if
21 you wish to give up your rights and speak to
22 Investigator Nelson and myself in reference to
23 Gravy's Grill, if you waive your rights freely
24 and voluntarily without being threatened,
25 coerced, or promised a reward, you sign that,

1 but you want a lawyer. Let me explain
2 something to you, I don't go back and forth on
3 this. If you want a lawyer, you get a lawyer,
4 we're done. Now, I'm gonna ask you questions
5 and go back and forth with you and banter
6 about this case. If you want to talk to us,
7 that's fine. The question I ask you is: Do
8 you want a lawyer?"

9 At the beginning of that statement,
10 Investigator Taylor makes it clear that he's
11 not finished Mirandizing him, and so any sort
12 of statement or any sort of waiver has not
13 properly been done at this point. Further,
14 since Daniel Means had already requested
15 counsel, a new Miranda waiver should have been
16 done, which was -- it was not done so. Daniel
17 Means never waived his Miranda rights, so any
18 statements that could be used in this
19 interrogation should not be admissible in this
20 trial.

21 THE COURT: Thank you. And so, Mr. MacDonald,
22 just to understand your argument, sir, you're
23 saying that up until he stated that he wanted
24 an attorney, that could come in, but the --
25 but the minute that he said he wanted an

1 attorney, you believe that the rest of the
2 statement is suppressed.

3 MR. MACDONALD: Not quite, Judge, because
4 Investigator Taylor states that he is not
5 finished giving him the Miranda warning,
6 anyways, so I don't believe that he had ever
7 fully waived his rights, even by the
8 investigator's admission stating that he had
9 not finished the Miranda warning at this time.
10 But, also, because he invoked his counsel --
11 the only statements we really want to suppress
12 are the statements he gives after he -- he
13 invokes his initial right to counsel, which
14 would be at point 8:16:00 in the video.

15 So, Your Honor, the only statements we're
16 concerned with happens after he first asks for
17 a lawyer to be present. So, essentially, yes,
18 Your Honor, we just want to suppress
19 everything that comes after he -- when he
20 first initially invokes his right to an
21 attorney.

22 THE COURT: Deputy Solicitor?

23 MR. BULSA: Yes, ma'am. As Your Honor knows,
24 statements are only -- can only be suppressed
25 upon custodial interrogation. It's clear that

1 this -- he was in custody, and I submit to the
2 Court no interrogation took place because of
3 the effective reading of the Miranda warnings
4 to the defendant.

5 He began making ambiguous statements
6 about whether he wanted an attorney, and to
7 the officers' credit, they backed off. They
8 never interrogated him. They never asked him
9 any questions. Interrogations is questions
10 designed to elicit negative information
11 harming the defendant. They never did that.
12 They were just continuing with the process to
13 complete the form to properly document their
14 exchange with the defendant. He's the one who
15 initiated his own statements. He was trying
16 to -- I submit to the Court, talk his way out
17 of being arrested. He was trying to delay
18 this, so he could get his lawyer there. They
19 -- they said that's not going to happen, of
20 course, because of the warrants.

21 And then, as the officers just continue
22 to write, the defendant himself prompts and
23 gives information about having been at the
24 club and trying to -- actually, at one point,
25 try to claim a woman did it. So there's no

1 interrogation in this case. The officers did
2 what they were supposed to do. They stopped.
3 Even though, I don't think they even had to.
4 I think we could have argued that there was
5 not a -- an unequivocal request for an
6 attorney. I was -- I was gonna argue that
7 point, but we don't have to, because they
8 stopped and they never questioned him. So
9 there's no interrogation for the Court to even
10 analyze.

11 All the statements made by the defendant
12 were elicited upon his own. He -- he readily
13 made those comments unsolicited. So there's
14 statements against interest, and by law,
15 they're admissible in court against him, and
16 we intend to use a portion of those.

17 THE COURT: Mr. MacDonald?

18 MR. MACDONALD: Thank you, Judge. Just to
19 reply briefly. The whole -- the point I'm
20 trying to make here is that at 8:16:00 in the
21 video, that's when he first elicited his
22 request for representation. The interview
23 should have ceased at that point, but it did
24 not. The investigator continued to try to get
25 him to waive his rights, and whenever he

1 brought up waiving his rights, that elicited
2 testimony from Mr. Means about the incident.

3 They continued to ignore his request for
4 counsel, because by doing so, they were
5 getting Mr. Means to continue to testify -- or
6 to speak about the incident in question,
7 Judge.

8 So for those reasons, since he invoked it
9 at 8:16:00, I believe that the interview
10 should have ended at that point and no further
11 questions should have been asked, even about
12 waiving his rights. Because he made it clear
13 that he wanted his attorney, and he was not
14 gonna waive any more rights.

15 THE COURT: Anything else?

16 MR. BULSA: Your Honor has the video if you
17 need to play it back you can. I would submit
18 to the Court that the officer himself actually
19 told the defendant to stop talking on a couple
20 of occasions, but the defendant continued to
21 speak unsolicited, and gave what we consider
22 damaging information we intend to use.

23 THE COURT: Mr. MacDonald, how old is your
24 client, and what is his educational
25 background?

1 MR. MACDONALD: Twenty-four years old, Judge.
2 Graduated high school.

3 THE COURT: A little bit more about him. Did
4 he ever -- has he ever worked anywhere or
5 anything like that?

6 MR. MACDONALD: Judge, my understanding, he
7 worked at Personnel Solutions, a temp agency.
8 That's where he's worked. He's got minimal
9 run-ins with law enforcement throughout his
10 life. He has a minimal record. He lives with
11 -- he grew up living with his mother.

12 THE COURT: Okay. I just needed a little more
13 background about his circumstances.

14 MR. MACDONALD: Yes, Your Honor.

15 THE COURT: I -- I know that he did give his
16 date of graduation and the place that he
17 attended high school on the video. All right.
18 Anything else from either side?

19 MR. BULSA: No, ma'am.

20 MR. MACDONALD: No, Your Honor.

21 THE COURT: Okay. I -- I am going to take a
22 few moments and review my notes and the -- you
23 have the video, but Dan do you have a
24 transcript of it?

25 MR. MACDONALD: I've made my own rough

1 transcript of not the entire interview, just
2 the points that I wanted to get --
3 THE COURT: Okay.
4 MR. MACDONALD: -- addressed.
5 THE COURT: All right. And, Deputy Solicitor,
6 it has not been transcribed; is that correct?
7 MR. BULSA: No, ma'am. It has not.
8 THE COURT: Okay. Did -- did y'all email that
9 to Ashley?
10 MR. MACDONALD: I did not. I can.
11 MR. BULSA: Email the video?
12 THE COURT: The video.
13 MR. BULSA: I can.
14 THE COURT: Will you do that for me?
15 MR. BULSA: Yes.
16 THE COURT: In the meanwhile, I mainly want
17 Mr. Means to understand, sir, that I am going
18 to review this, and then I'm going to let the
19 attorneys and you know as quickly as I can
20 about my decision.
21 And, in the meanwhile, I believe that we
22 meant to earlier get exhibits marked for
23 trial, which will save us a lot of time during
24 trial; and we weren't able to do that. I had
25 set aside two o'clock to two-thirty, and, of

1 course, we weren't back over here, yet. And
2 I'm not sure we would have been allowed back
3 in the building. I can't remember when they
4 let folks come back in.

5 All right. And so, if y'all want to take
6 this time to mark those exhibits for tomorrow,
7 I will do my best to look at this again very
8 quickly, okay? We will be at ease.

9 (Off the record from 4:49 p.m. until
10 5:14 p.m.)

11 THE COURT: Okay. Anything else, Counsel?

12 MR. DELANEY: No, Your Honor.

13 MR. BULSA: No, Your Honor.

14 THE COURT: Okay. As Counsel understands, I
15 do have to look at the totality of the
16 circumstances in looking at determining
17 whether or not the statement by the defendant
18 -- or statements were freely and voluntarily
19 made. And in looking at the totality of the
20 circumstances, I will state that Mr. Means was
21 in custody, that in looking at State's
22 Suppression Exhibit 1, the -- as of date
23 11/28/18, the statements of rights had been
24 given by Investigator Taylor and signed by the
25 defendant.

1 However, the next portion of that form
2 was -- when Investigator Taylor asked having
3 fully understand -- understood the rights, if
4 Mr. Means wished to waive and give up his
5 rights to talk to Investigators Taylor and
6 Nelson in reference to the shooting at Gravy's
7 Grill. At that point, Mr. Means begins to
8 talk on his own. And it looks like it is
9 Investigator Taylor's handwriting that says
10 that Mr. Means requests a lawyer, not Mr.
11 Means' handwriting.

12 Mr. Means then, based on my review of the
13 video, begins to talk, begins to ask
14 questions, and the officers are not
15 interrogating him based -- in my opinion, he
16 is making statements to them..

17 Therefore, I find that his Miranda
18 warnings were given, okay? However, the
19 second part of the form under "Waiver of
20 Rights," the investigator wrote that he
21 requested an attorney.

22 Now, in looking at all of the
23 circumstances, the conduct of Mr. Means, any
24 coercion or duress, the length of the
25 interrogation, the length of time that he was

1 in custody, his age and educational
2 background, any threats of violence from law
3 enforcement, promises of leniency by law
4 enforcement, I don't think there was any
5 coercion. I don't think that there were
6 promises of leniency. I -- it was a very
7 short interrogation, less than 15 minutes, and
8 I believe that Mr. Means -- he felt very
9 comfortable with the investigators. They,
10 basically, were not coercing him or
11 interrogating him. He was just continuing to
12 speak.

13 And so, I find that the statements are
14 freely and voluntarily made. Therefore, they
15 are admissible should they be offered by the
16 State. Thank you-all. And, at this time, I
17 will return these two suppression exhibits to
18 the State. That will be the holding of the
19 Court. Now --

20 MR. MACDONALD: Thank you, Judge.

21 THE COURT: -- with regard to the marking of
22 exhibits, have we made headway on them?

23 MR. BULSA: Yes, ma'am. We're working through
24 the photos, and we have a few actual items
25 collected from the scene and from a search

1 warrant. And then I've gotta get the videos
2 in the correct form.

3 THE COURT: Okay.

4 MR. BULSA: We're getting there, yes, ma'am.

5 THE COURT: All right. Thank you. Anything
6 else from Counsel?

7 MR. MACDONALD: Nothing from the defense, Your
8 Honor.

9 THE COURT: Anything else from the State?

10 MR. BULSA: No, Your Honor.

11 THE COURT: Okay. And so, then we will
12 reconvene on the record at 9:30 in the
13 morning, okay? Thank you-all.

14 MR. BULSA: Thank you, Judge.

15 MR. MACDONALD: Thank you.

16 END OF DAY 1

17 START OF DAY 2 - MAY 25, 2021

18 GUILTY PLEA HEARING

19 THE COURT: Thank you. Please be seated.
20 Where is the defendant?

21 MR. DELANEY: He's in the -- he's in the
22 holding cell right now, Judge. Judge, he has
23 two family members that want to be present, is
24 that gonna be an issue?

25 THE COURT: No, sir.

1 MR. DELANEY: Okay.

2 THE COURT: That will be fine.

3 Okay. If everyone is ready, good
4 morning. Thank y'all for being here. I am
5 Judge Knie, and let -- let me ask Deputy
6 Solicitor Bulsa, sir, do you have everyone in
7 here that you need to have in here for this
8 plea?

9 MR. BULSA: Yes, ma'am.

10 THE COURT: Okay. Defense Counsel, Mr.
11 Delaney and Mr. MacDonald?

12 MR. DELANEY: Everyone's present, Your Honor.

13 THE COURT: Okay. Thank you. And now that I
14 know that everyone is present, what I would
15 ask of you is if it's possible for you-all to
16 stay on the sides of the courtroom that you're
17 on, but separate a little bit for me, please.
18 We're -- we're still trying to be very careful
19 with regard to COVID issues, and I don't want
20 anyone to feel uncomfortable. Thank you.
21 Okay.

22 All right. And so, now, I will ask the
23 Deputy Solicitor to call the case.

24 MR. BULSA: Do you want the defendant up
25 front, Your Honor?

1 THE COURT: Yes. Well, go ahead and call the
2 case --

3 MR. BULSA: Yes, ma'am.

4 THE COURT: -- and then I'm going to address
5 Mr. Means.

6 MR. BULSA: Yes, ma'am. The "State vs. Daniel
7 Shaquan Deonte Means." Indictment 2019-917,
8 that's a two-count indictment for murder and
9 possession of a weapon during the commission
10 of a violent crime. He's pleading guilty to a
11 lesser included offense of voluntary
12 manslaughter, as well as the weapons charge.
13 It's a negotiated sentencing range for Your
14 Honor of 20 to 30 years.

15 2019-918, that's a two-count indictment
16 for attempted murder. He's pleading guilty to
17 the lesser included offenses of assault and
18 battery of a high and aggravated nature.

19 THE COURT: And, again, this is coming before
20 me as a negotiated sentence. Is it
21 concurrent?

22 MR. BULSA: Yes, ma'am. It will be
23 concurrent.

24 THE COURT: Is there an agreement as to credit
25 for time served?

1 MR. BULSA: Yes. There is.

2 MR. DELANEY: 910 days, Your Honor.

3 THE COURT: All right. Thank you. All right.

4 And so, I will ask, sir, are you Daniel
5 Shaquan Deonte Means?

6 MR. MEANS: Yes, ma'am.

7 THE COURT: Good morning, Mr. Means, sir.

8 MR. MEANS: Good morning.

9 THE COURT: I -- I need for you to stand if
10 you're able to. Are you able to?

11 MR. MEANS: Yes, ma'am.

12 THE COURT: Okay. And so, I will now ask Ms.
13 Camp, our deputy clerk, to place you under
14 oath, all right?

15 (WHEREUPON, the defendant was sworn.)

16 THE COURT: Okay. Sir, do you understand that
17 the purpose of the hearing today is for you to
18 enter pleas on the charges against you?

19 THE DEFENDANT: Yes.

20 THE COURT: All right, sir. At this time, I'm
21 gonna ask you to have a seat while I ask your
22 lawyers some questions, all right?

23 Mr. Delaney and Mr. MacDonald, you-all
24 have heard, first, the cases that have been
25 called and the offenses that Mr. Means will

1 actually be entering his pleas to; is that
2 your understanding?

3 MR. DELANEY: Yes, Your Honor.

4 MR. MACDONALD: Yes, Your Honor.

5 THE COURT: Further, is that your
6 understanding -- or did the Deputy Solicitor
7 correctly state the status of negotiations?

8 MR. DELANEY: Yes, Your Honor.

9 THE COURT: And so, this will come before me
10 as a negotiated sentence with a bracket of 20
11 to 30 years, and that would be as to
12 voluntarily manslaughter. And concurrent
13 sentencing with regard to the three other
14 charges: assault and battery of a high and
15 aggravated nature times two, and possession of
16 a weapon during the commission of a violent
17 crime?

18 MR. DELANEY: Yes.

19 THE COURT: All right. Okay. Thank you.

20 MR. DELANEY: And then the credit of the 910.

21 THE COURT: Yes, sir.

22 MR. DELANEY: Yes.

23 THE COURT: Yes, sir. Thank you. Now, let me
24 -- let me explain to everyone here, because I
25 know that a lot of you are -- are not used to

1 this proceeding, I am going to go through a
2 series of questions with Mr. Means. And those
3 questions go to the issue of the voluntariness
4 of his pleas, his understanding of the
5 offenses that he's entering his pleas to.
6 Actually, asking him how he pleads, guilty or
7 not guilty, his satisfaction with legal
8 counsel.

9 And then I will first hear from the
10 State. I will hear from the Deputy Solicitor
11 and anyone that wishes to address me from the
12 State on behalf of the State. Then, I will
13 turn it over to Mr. Delaney and Mr. MacDonald
14 and anyone that wishes to address me regarding
15 Mr. Means, before I lastly hear from Mr. Means
16 and give him an opportunity to tell me
17 anything that he wants to before I issue my
18 sentence.

19 Now, the friends and family members,
20 victims, those folks that are here today,
21 they're not required to address me, but
22 they're welcome to if that is their wish, all
23 right?

24 But, first, I need to go through these
25 questions with Mr. Means. And so, Mr. Means,

1 sir, do you understand, again, that the
2 purpose of this hearing today is for you to
3 enter a plea on the charges against you, that
4 would be as opposed to having a jury trial or
5 a bench trial on these charges?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Sir, when you enter a plea, you
8 waive very important constitutional rights.
9 Not only are you waiving your right to a trial
10 by jury, but you also waive your right to
11 remain silent and confront witnesses against
12 you. Do you understand?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Sir, if you were to go forward and
15 have a trial, the burden of proof would not be
16 on you and your legal counsel. The burden of
17 proof is on the State -- on the solicitor to
18 prove every element of every charge against
19 beyond a reasonable doubt. You, sir, are
20 presumed to be innocent until proven guilty.
21 Do you understand?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: And, sir, if you were to have a
24 jury trial, every member of the jury, all 12,
25 would have to agree as to your guilt for you

1 to be found guilty. Do you understand that?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: So, Mr. Means, sir, understanding
4 all of that, do you wish to waive these very
5 important constitutional rights in exchange
6 for a plea?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Sir, has anyone threatened you or
9 coerced you or promised you anything to get
10 you to enter the plea?

11 THE DEFENDANT: No, ma'am.

12 THE COURT: And, Mr. Means, don't be offended,
13 I ask everybody this question when they're
14 entering a plea. Are you, today, under the
15 influence of alcohol, drugs, or any intoxicant
16 that would impair your judgment?

17 THE DEFENDANT: No, Your Honor.

18 THE COURT: Do you suffer from any mental or
19 physical infirmity that would impair your
20 ability to understand what we're doing?

21 THE DEFENDANT: I have some issues. I did not
22 receive them in a evaluation, but I don't know
23 specifically what those issues may be. But I
24 do understand that -- I guess, I could say, my
25 lawyers told me 20 to 30 negotiated plea for

1 voluntary manslaughter, and I agreed to that.

2 THE COURT: Okay. Well, I'm gonna get to that
3 in just a minute. We're gonna go over that in
4 great detail, okay?

5 THE DEFENDANT: All right.

6 THE COURT: But I didn't -- I remember --
7 because, of course, I've become very familiar
8 with your case. And, sir, I remember that at
9 some point there was a motion for a mental
10 health eval that may -- may be a year ago or
11 something, and then that was never acted upon;
12 is that correct, Deputy Solicitor?

13 MR. BULSA: Yes, ma'am. His previous attorney
14 instructed me that she wanted to have him
15 mentally evaluated, and the case got continued
16 back in January of 2020.

17 THE COURT: Ms. Price?

18 MR. BULSA: Yes, ma'am.

19 THE COURT: Okay.

20 MR. BULSA: Andrea Price. And that --

21 THE COURT: Okay.

22 MR. BULSA: -- was never followed up on.

23 THE COURT: Okay. Mr. Delaney, I remember
24 being told in one of our pretrial conferences
25 that that was no longer being requested; is

1 that correct?

2 MR. DELANEY: That's correct, Your Honor. And
3 I've been dealing exclusive -- or, you know,
4 extensively with Mr. Means over the last month
5 plus. I've talked to him about that issue.
6 I've talked with Mr. MacDonald about that
7 issue, who was involved in the case back in
8 January of 2020. I'm satisfied that
9 everything was done for him at that time
10 regarding the potential mental health
11 evaluation. I have no concerns about his
12 ability to understand the proceedings today.
13 He strikes me as an intelligent young man that
14 can make reasoned decisions based on
15 information that he can intelligently process.

16 And when -- when I get into some
17 mitigation, we are going to talk about some
18 mental health issues, potentially, that he
19 suffers from as a result of some experiences
20 in his life. And I think that's what he may
21 be alluding to, and I will talk about those
22 when it's my turn, Your Honor.

23 THE COURT: Okay. Well, let me -- let me ask
24 you specifically. Mr. Delaney, did you have
25 an opportunity to talk to Mr. Means before

1 today?

2 MR. DELANEY: I did.

3 THE COURT: Have you talked to him this

4 morning?

5 MR. DELANEY: I have.

6 THE COURT: And, sir, do you believe, first,

7 that he understands this proceeding?

8 MR. DELANEY: I do.

9 THE COURT: And do you believe that he can

10 assist you in his representation?

11 MR. DELANEY: I do.

12 THE COURT: And just to be clear, there was

13 not a mental health evaluation conducted,

14 correct?

15 MR. DELANEY: Correct.

16 THE COURT: And Mr. Means graduated from high

17 school?

18 MR. DELANEY: Correct.

19 THE COURT: He's 24 years old?

20 MR. DELANEY: Correct.

21 THE COURT: Broome High School?

22 MR. DELANEY: Yes, Your Honor.

23 THE COURT: Okay. All right. I'm gonna --

24 let me ask Mr. Means another question.

25 So, Mr. Means, sir, do you take any

1 medication at this time? Do you take any
2 prescribed medication?

3 THE DEFENDANT: Yes. I'm taking medication at
4 the jail right now. I believe that it's -- I
5 believe that it's called "Celexa," I believe.
6 It has to do with -- it has to do with
7 depression, thinking negative . . .

8 THE COURT: Well, let -- let me ask you, Mr.
9 Means, sir, have you taken the medication in
10 the last 72 hours?

11 THE DEFENDANT: Yes.

12 THE COURT: And is it your understanding that
13 you're taking it as prescribed?

14 THE DEFENDANT: Yes.

15 THE COURT: Who prescribed it?

16 THE DEFENDANT: She goes by the name of "Ms.
17 Margaret."

18 THE COURT: At the jail?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: At the detention facility? Okay.
21 And, sir, when you take the medication as
22 prescribed, does it interfere with your
23 ability to think and reason clearly?

24 THE DEFENDANT: No. It doesn't interfere.

25 THE COURT: Okay.

1 THE DEFENDANT: It -- it helps in a way.

2 THE COURT: Okay. All right. Do you feel
3 comfortable going forward, sir?

4 THE DEFENDANT: Yes, ma'am. Absolutely.

5 THE COURT: Okay. All right. So, now, Mr.
6 Delaney, understanding that Mr. Means is
7 taking a prescribed medication, sir, do you
8 have any concerns about going forward with the
9 proceeding today?

10 MR. DELANEY: No, Your Honor.

11 THE COURT: And, again, sir, do you believe
12 that Mr. Means understands what he's doing?

13 MR. DELANEY: I do.

14 THE COURT: And that he can assist you with
15 his representation?

16 MR. DELANEY: Yes, Your Honor.

17 THE COURT: Specifically, Mr. Means, sir, I
18 did note that you had some ambulatory issues
19 yesterday and today, but you're not taking any
20 medication for that?

21 THE DEFENDANT: No, ma'am. I'm not.

22 THE COURT: Okay. All right. I just wanted
23 to make sure. All right.

24 And so, Mr. Means, sir, are you satisfied
25 with the services of your legal counsel?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: All right. Have they done
3 everything that you wanted them to do?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: All right. Sir, I'm now going to
6 go over the charges that you are entering your
7 pleas to, all right?

8 Sir, I have a true-billed indictment:
9 19-GS-42-917. This is a two-count indictment.
10 Count 1 for murder and Count 2: possession of
11 a weapon during the commission of a violent
12 crime. Sir, it's my understanding that you
13 are actually pleading to a lesser included
14 offense of voluntary manslaughter. Sir, do
15 you understand that?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Okay. And do you understand that
18 the potential penalty for this offense is not
19 more than 30 years? Do you understand that?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: And do you understand that this
22 offense is classified as being both violent
23 and most serious?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Do you have any questions

1 regarding the classification for this offense
2 for the Court or for your legal counsel, sir?

3 THE DEFENDANT: No, Your Honor.

4 THE COURT: And, sir, with regard to Count 2,
5 or true-billed indictment 19-917A, this is for
6 the offense of possession of a weapon during
7 the commission of a violent crime, and the
8 potential penalty is five years. That is not
9 suspendible. Do you understand that?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: All right. And, sir, I have true-
12 billed indictment, 19-GS-42-918, and this is a
13 double-count indictment for attempted murder
14 as to both counts: 918 and 918A. You are
15 pleading to a lesser included offense of
16 assault and battery of a high and aggravated
17 nature. You are pleading to that under 918
18 and 918A, two counts. Sir, this offense is
19 classified as being violent and serious in
20 nature; is that your understanding?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: And the potential penalty is up to
23 20 years. Do you understand that?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Sir, do you have any questions

1 regarding, first, the classification as being
2 -- the classification as being both violent
3 and serious?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Do you have any questions about
6 that?

7 THE DEFENDANT: No, ma'am.

8 THE COURT: And any questions regarding the
9 potential penalties as to any of these
10 offenses? And I'm getting ready to ask you
11 about the negotiated part, okay?

12 THE DEFENDANT: Potential penalties,
13 meaning --

14 THE COURT: Up to --

15 THE DEFENDANT: -- about sentencing on these?

16 THE COURT: I'm sorry?

17 THE DEFENDANT: Do you mean potential
18 penalties? Are you meaning about the
19 sentencing; is that what --

20 THE COURT: Yes, sir. Yes, sir.

21 THE DEFENDANT: All right.

22 THE COURT: So it would be under assault and
23 battery, high and aggravated, zero to twenty
24 as to each. And voluntary manslaughter is up
25 to 30, okay?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: The weapon -- possession of a
3 weapon during the commission of a violent
4 crime is five. Do you understand?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Now, understanding all of that, do
7 you further understand that this is coming
8 before me today as what the lawyers refer to
9 as a "negotiated sentence"? I do have some
10 discretion, but the negotiations of counsel
11 have rendered that you would receive a
12 sentence with a bracket of 20 to 30 years. Do
13 you understand?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: And that there would be concurrent
16 sentencing. Do you understand that? That
17 instead of -- that you're gonna be sentenced
18 altogether?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: All right. And, further, that
21 you're going to get credit for the time that
22 you've been at the detention facility, which
23 you would get no matter what. Apparently,
24 that's 910 days. Do you understand that?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: All right. And, sir, please
2 understand that I understand how much time has
3 been -- and effort has been put into the
4 negotiations of Counsel. I know that this is
5 including you, your lawyers, the solicitor,
6 but if I find, okay, that I cannot go along
7 with the bracket that's been negotiated, I
8 will allow you to stand down. Do you
9 understand what I mean?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: Okay. Further, sir, as part of
12 any sentence, there will be a no-contact
13 provision with any of the victims or the
14 victims' family members regarding this
15 incident. Do you understand that?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: All right. All right. And so, is
18 there anything else, Counsel, that I need to
19 ask Mr. Means about regarding the
20 negotiations?

21 MR. BULSA: No, Your Honor.

22 MR. DELANEY: No, Your Honor.

23 THE COURT: Okay. And so, Mr. Means, sir,
24 understanding all -- all of that, do you wish
25 to enter your pleas at this time?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: How do you plead, sir, guilty or
3 not guilty?

4 THE DEFENDANT: I plead guilty.

5 THE COURT: Are you doing so freely,
6 knowingly, and voluntarily?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: And --

9 THE COURT REPORTER: (To Mr. Means) Can you
10 speak up a little bit, please? Can you speak
11 up just a little bit?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: What part did you not get?

14 THE COURT REPORTER: I got it. It's just very
15 -- he's getting lower.

16 THE COURT: Okay.

17 And, sir, how do you plead, guilty or not
18 guilty?

19 THE DEFENDANT: Guilty.

20 THE COURT: Are you doing so freely,
21 knowingly, and voluntarily?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: And, Mr. Means, please be advised
24 that in the event you wish to appeal any part
25 of the hearing today, you only have ten days

1 to do so in writing to this Court. Do you
2 understand?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: All right. Thank you. At this
5 time then, I will first ask that Mr. Means
6 direct his attention to the Deputy Solicitor.
7 Sir, you may be seated. Thank you.

8 THE DEFENDANT: Thank you.

9 MR. BULSA: May it please the Court, Your
10 Honor?

11 THE COURT: Yes, sir.

12 MR. BULSA: As you know, this case occurred at
13 Gravy's Grill. It was actually the evening of
14 November the 9th, the morning hours of
15 November the 10th, 2018. Gravy's Grill is a
16 nightclub on the west side of town on
17 Kensington Drive off of John B. White
18 Boulevard. At the time of the incident, Your
19 Honor, the owner estimated that approximately
20 80 people were in that -- in that nightclub.

21 The incident actually occurred right at
22 one o'clock. We have some video we would like
23 to show, Your Honor. It pretty much speaks
24 for itself, but I want to address some of the
25 facts first.

1 The defendant entered the club at about
2 15 minutes before one o'clock. I have some
3 pictures that show how he was dressed. I
4 would like to show the Court -- they're
5 actually marked as State's Exhibits for trial
6 1 and 2. It shows him wearing a Chicago Bulls
7 jacket with the distinctive logos and
8 coloring. It's a black and red jacket with
9 the logos on the front and the back.

10 THE COURT: Excuse me one moment. (To Mr.
11 Delaney) Counsel, have y'all reviewed these?

12 MR. DELANEY: Yes, Your Honor.

13 THE COURT: Okay. Thank you. Yes, sir.
14 State's Exhibits 1 and 2 without objection.

15 (WHEREUPON, State's Exhibit Nos. 1 and 2
16 was marked into evidence.)

17 MR. BULSA: Your Honor, Gravy's Grill has a --
18 a pretty good video system; they have numerous
19 cameras. I counted about eight cameras that I
20 used to put the -- the movie together of the
21 incident. I was able to track the defendant
22 from when he was in the parking lot and
23 getting out of a vehicle and entering into the
24 -- to the business. And the videos were well
25 enough positioned to actually follow him

1 throughout the business. He only -- he only
2 leaves the camera site one time when he goes
3 behind a -- a partition that we believe is
4 where he received a murder weapon.

5 When he came in, he was patted down, and
6 found to be without a weapon. He caught a
7 ride with a couple of witnesses that we had on
8 our witness list. And they claim they had no
9 knowledge of what he was gonna do and did not
10 know that he had this planned or was making
11 arrangements to get a weapon. That's one of
12 the troubling parts of this case, Your Honor,
13 is someone else was involved in this. Someone
14 had to bring him a weapon, and that was never
15 discovered.

16 Gravy's Grill is -- it's a building with
17 a back patio. The patio is surrounded by a
18 wooden fence, as well as a chain-link fence.
19 The chain-link fence meets the wooden fence at
20 a tree. And there appears to be some spacing
21 between the tree and the two fences, as well
22 as potential room underneath the -- the chain-
23 link fence to pass a weapon. Those are
24 depicted in State's 23 and 24.

25 THE COURT: (To Mr. Delaney) Any objection,

1 Counsel?

2 MR. DELANEY: No, Your Honor.

3 (WHEREUPON, State's Exhibit Nos. 23 and
4 24 were marked into evidence.)

5 MR. BULSA: I won't show you the whole video,
6 Judge, but in the video, you can see the
7 defendant and the victim in close proximity.
8 The victim does not make any -- basically, any
9 type of body language that shows any
10 recognition of the defendant. They did have a
11 history, and we would have brought that up in
12 the trial as motive for this shooting. Mr.
13 Means addressed it a little bit in the video
14 interview that Your Honor watched yesterday
15 when he talked about what the victim had done
16 to him.

17 In 2016 -- in June of 2016, Damien Young
18 was trying to rob Daniel Means. He actually
19 shot him one time. Mr. Means -- I don't
20 remember where it was -- it was a non-life-
21 threatening wound, but Mr. Young was openly
22 identified and arrested for that crime. He
23 faced prosecution and pled guilty to an
24 assault and battery, first degree, and,
25 actually, served prison time, Your Honor.

1 Judge Couch sentenced him.

2 The prosecution, Your Honor, the State
3 had zero contact with Mr. Means. We made
4 efforts to reach out to him to get him to
5 participate in the prosecution of Damien
6 Young. He did not respond to any contact we
7 tried to make by phone or mail. And so, the
8 case was handled --

9 THE COURT: One moment. I think there may be
10 another leak.

11 Thank you. Yes, sir. Please continue.
12 MR. BULSA: I can't remember where I was. Mr.
13 Young was prosecuted, Judge. Mr. Means did
14 not participate. I mean, justice was served
15 somewhat in Mr. Young's case, because he did
16 serve prison time. He was released from
17 prison about nine months before this incident.
18 His -- his girlfriend was Keona -- excuse
19 me -- Kelvisha Brown. She's gonna speak, Your
20 Honor, because she had a child by Mr. Young
21 just a few days before this incident. So her
22 child is now fatherless.

23 So the victim's sister, Leasia Stevenson,
24 is gonna speak. She's gonna tell the Court
25 how he was trying to turn a -- to turn a new

1 leaf to get away from that lifestyle that he
2 was in.

3 And then his -- once we present the case,
4 Your Honor, you're gonna see that Mr. Young
5 was -- was just at the club with some friends.
6 There are numerous other people at this club.
7 The defendant went there -- we don't know if
8 he knew he was gonna be there or not, Judge.
9 There's -- the indication is that he probably
10 did because he made arrangements to get a gun
11 brought in because he didn't bring one in.
12 Gravy's Grill had good security; everybody was
13 patted down.

14 The video portion I'm gonna show you is
15 gonna -- gonna track him from the main bar
16 area into the patio back to where we believe
17 he got the gun and came back and ultimately
18 shot and killed Damien Young.

19 The two other victims, Shenita Rogers --
20 she's actually the wife of Fred Rogers who's
21 Gravy. It was their grill. She happened to
22 be one of the victims. The other victim,
23 Jasmine Tate, was -- was a young lady who's
24 now pregnant, about ready to give birth. But
25 she's been a pleasant lady to speak to. She

1 was there with friends. She was actually
2 speaking to Ms. Rogers when the defendant ran
3 up on Damien Young from behind and began
4 shooting.

5 Ms. Tate got shot in the head, a grazing
6 shot to the head. Ms. Rogers got shot in the
7 -- in the side area. Ms. Rogers was able to
8 run out of the building and actually got some
9 help while outside. Ms. Tate drops to the
10 floor when she's shot, and I don't have that
11 video shot queued up for Your Honor, but I
12 would have played it to the jury. Ms. Tate is
13 seen trying to crawl away from the location
14 after being shot. She's clearly in pain.
15 Someone actually drags her out of the building
16 as they're leaving.

17 So seven shots were fired, at least seven
18 shots. We found seven shell casings. The
19 scene was chaotic. People were running for
20 what they believed their lives. So numerous
21 items got kicked around, but seven shell
22 casings were found. They were all 40 caliber
23 rounds.

24 In the investigation of the case, Your
25 Honor, the police put a picture of the video

1 taken from the door that we've shown Your
2 Honor out to the press. Some tips came in as
3 to who he was. The police continued trying to
4 find people in the -- in the club that could
5 identify him. Ms. Leasia Young actually
6 identified him first to the police, because
7 she knew him through his girlfriend, I
8 believe, at the time, Brittney Rios. Brittney
9 Rios worked with Leasia Stevenson. And we met
10 with Ms. Rios; she was going to be able to
11 identify him from that video, as well.

12 Your Honor, when the State was noticed
13 with an alibi, we -- we took a harder look at
14 his statement, and we feel it made omissions
15 that we could have argued that placed him at
16 the scene of the crime. So he had no true
17 alibi.

18 It's been a difficult case to prosecute
19 because of the public nature of it, Judge.
20 This has been kind of premeditated. He went
21 to the club unarmed, somehow got the gun, and
22 deliberately committed this crime. We're
23 fortunate that more people were not injured.

24 At this time, I'd like to play a portion
25 of the video for Your Honor.

1 THE COURT: Yes, sir.

2 MR. BULSA: The scene you're seeing, Judge, is
3 the bar area. You can see -- I'll point him
4 out. He's wearing that Chicago -- I don't
5 know if you can see it on yours, Judge. I can
6 -- he's right here with the hood. The
7 distinctive jacket made it easy to track him,
8 Your Honor. In fact, I -- the First Baptist
9 Church witness I had, I actually showed him a
10 portion of this video, and he put a circle
11 around it for me and followed him and I was
12 gonna show that and then I realized I might
13 not even need it, because the jacket itself
14 would be easy enough for the jury to follow.
15 I'll play it from this point.

16 (WHEREUPON, State's Exhibit No. 37 was
17 played in open court.)

18 MR. BULSA: The couple he's talking to at the
19 bar is Drakkar Austin and Junell Brewton.
20 They're the two people who he rode with to the
21 location.

22 So now moving away from them. He's going
23 towards this back counter where you'll see him
24 check a phone. He gets that message and
25 immediately moves towards the patio area.

1 First -- he's first walking towards the left
2 part of the screen. He comes back in the
3 view. Now he's gonna walk to that area that
4 is depicted in those photos I've showed Your
5 Honor, with the fences. There's no camera
6 view of that area. If you noticed, he was out
7 of view for about 15 to 20 seconds.

8 Now, he comes back in walking more
9 deliberately. Moves back up to speak to the
10 couple he came with, again. I'll have to
11 pause it for a second, if I could.

12 Your Honor, the victim, Damien Young, is
13 in the upper-right quadrant of this video.
14 You can't see him. I didn't get these marked,
15 but I have two other pictures I was gonna get
16 marked for the jury. Can I just show them to
17 you, Judge?

18 THE COURT: Why don't -- why don't we just
19 mark them?

20 MR. BULSA: Okay. Sorry.

21 THE COURT: (To Mr. Delaney) Have you seen
22 them?

23 MR. DELANEY: Yes. We previously reviewed all
24 those photos, and I have no objections to
25 those.

1 THE COURT: No objection.

2 THE COURT REPORTER: (To Mr. Bulsa) It would
3 be 39 and 40.

4 MR. BULSA: Okay.

5 MR. BULSA: Photo 39 is Mr. -- Mr. Young at
6 the door as he's coming in. And Photo 40 is
7 of the view of where Mr. Young is standing. I
8 can point it out to you, Judge. He's got that
9 distinctive shirt on. Can you see him right
10 here? And -- well, also, in this picture, Ms.
11 Tate is also in this view; she's right here to
12 the right-bottom portion.

13 Portions of that view are on this video,
14 but they're not gonna be -- you won't see them
15 in -- in this view, because this is the best
16 viewing of the shooting. Just to orient the
17 Judge to that location, it's in the upper-
18 right corner.

19 THE COURT: Okay. And these photos are in
20 without objection, 39 and 40. Thank you.

21 (WHEREUPON, State's Exhibit Nos. 39 and
22 40 were marked into evidence.)

23 MR. BULSA: And I'll now continue playing the
24 video.

25 (WHEREUPON, State's Exhibit No. 37

1 continued to be played in open court.)

2 MR. BULSA: As you can see, it went pretty
3 quickly. Would you like to see it again,
4 Judge?

5 THE COURT: No, sir.

6 MR. BULSA: He came around the corner, armed
7 himself, and ran up on him and shot him and
8 kept speeding out the door. We probably would
9 have played that multiple times to the jury to
10 make sure they understood it, but it was clear
11 that that individual shot and killed Damien
12 Young, as well as shooting Jasmine Tate and
13 Shenita Rogers.

14 The -- a search of the defendant's
15 resident (as spoken) turned up an empty box of
16 Federal 40 caliber rounds. And that's the
17 kind of round that was used. The gun was
18 never found. The jacket was never found. It
19 took the police 18 days to locate the
20 defendant. City police had to enlist help
21 from the sheriff's office warrant division to
22 track him down. He was tracked down through
23 his father. You actually heard in the video,
24 Mr. Taylor -- Investigator Taylor asking him
25 about his family because he -- he told the

1 family that they had warrants on him for a
2 couple of weeks. And I believe Mr. Means
3 actually acknowledged that his family tried to
4 get him to turn himself in, but he would not
5 do it, Judge. So, therefore, it took a while
6 to find him, and he disposed of the weapon and
7 that jacket.

8 Your Honor, we have individuals that
9 would like to address the Court at the
10 appropriate time.

11 THE COURT: Yes, sir. And now would be that
12 time.

13 MR. BULSA: Okay.

14 MR. BULSA: Who wants to speak first?

15 THE COURT: Good morning, ma'am. If you'd
16 state your full name for the record?

17 MS. YOUNG: My name is Leasia Rosetta Young.

18 THE COURT: Yes, ma'am?

19 MS. YOUNG: I am Damien's sister.

20 THE COURT: Yes, ma'am?

21 MS. YOUNG: I wanted to address the Court just
22 because I've listened to the points of both
23 Mr. Bulsa, as well as Daniel's attorneys.
24 And, you know, like Mr. Bulsa said, my brother
25 did his time for his crime, got out, and

1 changed. He had a baby on the way. My nephew
2 has only experienced four days of his life
3 with his father. And my sister-in-law has to
4 look at my nephew every day and realize that
5 he'll never know who his dad is.

6 And I believe in my heart that he
7 premeditated this. He thought about it the
8 entire time my brother sat in jail and waited
9 on the perfect opportunity to do what he
10 wanted to do. And, unfortunately, it required
11 harming other people, as well. And I just ask
12 that he receive the max. It's 30 years; it's
13 not life, you know. My brother served his
14 time. I just feel it fair that he serve his
15 time, as well.

16 THE COURT: Anything else, ma'am?

17 MS. YOUNG: No, ma'am.

18 THE COURT: Thank you for being here.

19 MS. YOUNG: Thank you.

20 MR. BULSA: Kelvisha Brown.

21 MS. BROWN: Hello. My name is Kelvisha
22 Natasha Brown, and Damien Young was my ex-
23 boyfriend and my child's father.

24 My grandma was also in the club that
25 night, as well. She was the bar manager.

1 She's literally the only one that -- that
2 helps me with my child. Had I lost her that
3 night, too, I would have lost it. And I
4 understand the situation. I -- I've been
5 there, grew up with him. I was there when he
6 did what he did to Mr. Means, and he served
7 his time. I -- and I get that. I -- but he
8 shot my friend; Ms. Tate is a close friend to
9 mine (as spoken.) Like, I feel I've beat
10 my -- he -- he says, "910 days." Yeah, but
11 those 910 days I've had -- it was four days
12 old. He left me to go celebrate the birth of
13 his child, wanting to change his life. And
14 it's heartbreaking, because I have to look at
15 my child every single day. He looks just like
16 his daddy. And I get why he did it. I'm --
17 I'm feeling the karma. I am feeling it and I
18 can't understand.

19 And it's so hard. Every day I have to
20 stand strong and accept the fact that I have
21 to forgive. Had he had forgave after he
22 received his justice for what Damien did to
23 him, none of us will be here today. So I
24 don't -- I -- I'm -- I'm standing here -- and
25 it's hard to be selfless in this situation,

1 because I have to live through this every
2 single day. And even though today I feel like
3 it's the end of one my eras, I have to deal
4 with it.

5 I have to relive this again, because I'm
6 raising a black son alone. And I have to
7 teach him how to not make the decisions that
8 his father made, but, also, how to forgive so
9 he won't make the decisions that Mr. Means
10 made. So another mother won't be standing up
11 here crying, asking you to please just -- I --
12 I ask that he gets max, too, because at least
13 he will get out and get to live his life
14 and -- and forgive. At least he gets to do
15 that. Damien is gone.

16 I -- I just -- I'm -- I'm -- I -- I'm --
17 I'm -- I'm so -- I don't know how to feel
18 these days. And you talking about depression,
19 imagine what I had to go through, because like
20 I said, my mom -- my grandma just watched her
21 great-grandchild be born and had to stand
22 there and watch the father of her great-
23 grandchild get killed. I have to live with
24 this; every single day I have to deal with
25 this. I'm in there trying to cope and take

1 care of my child, and in the next room I'm
2 hearing my grandma crying at night, because
3 she's still traumatized by it.

4 It's taken a different kind of strength
5 to even get up here and say that and talk to
6 you guys about this. And, like I said, I
7 understand, but I -- and -- and I -- and I'm
8 forgiven for however I do, but he should get
9 the max, because he did his justice and now
10 it's turn. And thank you.

11 THE COURT: Thank you, ma'am. Thank you for
12 being here.

13 MR. BULSA: Ms. Jasmine Tate.

14 MS. TATE: Hello. How are you? I'm Jasmine
15 Quintel (phonetic) Tate.

16 THE COURT: Yes, ma'am. Wait just one moment.

17 MS. TATE: Yes, ma'am.

18 THE COURT: Good morning. I just want make
19 sure my court reporter gets your name down
20 correctly.

21 MS. TATE: Yes, ma'am.

22 THE COURT REPORTER: Can you repeat your
23 middle name, please?

24 MS. TATE: Quintel Tate.

25 THE COURT: Yes, ma'am?

1 MS. TATE: I was there the night of, wasn't
2 there that long. I guess I'm just up here
3 just to, I guess, not really shed light on
4 him, but just kind of what happened that
5 night.

6 I mean, we were all having fun. It just
7 kind of took a left turn. I feel like he
8 should get the max only just because I felt
9 like -- I mean, he's 24. In 20 years, you're
10 44, and, I mean, me bringing a life in this
11 world, I don't see how I can explain to my
12 child, you know, like, "Oh, that's the guy
13 that, you know, shot mom." Yeah, it was years
14 prior, but it's just -- I mean, clearly, he
15 holds grudges.

16 I mean, you came back years later and you
17 got revenge, so clearly you hold grudges.
18 Who's to say, you know, you've got somebody to
19 testify against you that you're gonna come --
20 you're not gonna come back, and that's just
21 something I don't want to deal with just
22 bringing a life into this world. And that
23 he's taken a life away, so that's it.

24 THE COURT: Thank you, ma'am.

25 MS. TATE: Okay.

1 THE COURT: Thank you for being here.

2 MR. BULSA: I think Ms. Tate said it best,
3 Your Honor. He held a grudge and he let it
4 fester and he acted on it and put numerous
5 people in danger. And Ms. Rogers, as I stated
6 -- I might have told Your Honor in the back --
7 she had a medical issue this morning. She was
8 going to come this afternoon. We have told
9 her what's going on, and she is also asking
10 for the maximum. Thank you.

11 THE COURT: Thank you.

12 MR. BULSA: Oh, I forgot to tell you his prior
13 record. He has an unlawful --

14 THE COURT: Yes, sir. If you'll give me his
15 prior conviction history for the last ten
16 years. I'll then turn it over to Defense
17 Counsel.

18 MR. BULSA: He has an unlawful carrying of a
19 pistol in 2017.

20 THE COURT: Counsel, can y'all come up for
21 just a moment?

22 (WHEREUPON, a sidebar was held.)

23 THE COURT: Okay. Mr. Delaney and Mr.
24 MacDonald, did you-all have an opportunity to
25 review the evidence and the discovery in this

1 matter with Mr. Means?

2 MR. DELANEY: Yes, Your Honor. In depth and
3 Mr. MacDonald has been doing that for,
4 actually, years now. He was involved in the
5 case before it got ultimately assigned with
6 me. So, yes, Your Honor.

7 THE COURT: Okay. All right. I'm happy to
8 hear from you-all.

9 MR. DELANEY: Thank you, Your Honor. May it
10 please the Court. Daniel Means is 24 years
11 old; he's single; he has no children. He
12 graduated from Broome High School in 2014.
13 During his time at Broome, he was on the
14 wrestling team for three years, and he was on
15 the track team for two years. During his high
16 school years when he wasn't practicing on
17 these sports teams, after school he worked at
18 the Wendy's on East Main Street. He graduated
19 with a 2.9 GPA.

20 He -- like I said earlier, he strikes me
21 as an intelligent young man. After high
22 school graduation, he spent some time working
23 at Adidas and BMW.

24 On June 25th of 2016, about two years
25 after he graduated from high school, he was

1 shot by Damien Young. I -- I believe that
2 that incident, obviously, has caused some real
3 problems for Mr. Means. As far as his
4 ability, he tells me he -- he lost his ability
5 to trust anyone. He felt like everyone was
6 out to get him. He couldn't process it
7 properly. And then he felt like he was always
8 in a position where he needed to protect
9 himself. And -- and, unfortunately, Daniel
10 Means never got any professional help or
11 assistance for what surely had to be, on some
12 level, post-traumatic stress disorder from
13 being shot.

14 Certainly, not any excuse for some sort
15 of revenge act of violence. But we offer it
16 to the Court today as a mitigating factor in
17 considering the range between 20 to 30 years.
18 And we're respectfully asking this Court to
19 sentence Daniel Means to 20 years based on the
20 totality of the circumstances, his lack of
21 criminal record, and what has happened to him
22 is his life.

23 And another respect -- what -- what
24 hasn't happened in his life. And what hasn't
25 happened is an extensive criminal record. He

1 only has one conviction, Your Honor, for
2 unlawful carrying of a pistol. Now, he was
3 represented by our office, and there was
4 really no violent facts behind that particular
5 conviction.

6 He was raised by his -- by his mother.
7 His father has been in his -- his life. His
8 father's in the courtroom today. He's here to
9 support his son. His mother, Adrian Turner,
10 and his grandmother, Sandra Long, are also
11 here. Those two ladies would like to address
12 the Court at the appropriate time.

13 The cycle of senseless violence in this
14 matter strikes again, Judge. My -- my client
15 is now certainly a victim, yet again, from a
16 cycle of violence. And he acknowledges and he
17 apologizes to the Court for his conduct in
18 this matter. He is accepting responsibility,
19 and he recognizes what a tremendously poor
20 decision he made on November 10th, 2018. Like
21 I said, he recognizes what -- what he did was
22 wrong. He wishes he could -- he could go back
23 and change it, but he can't.

24 Based on that, Judge -- and -- and his
25 family wants to talk to you -- we would ask

1 you to sentence him to 20 years. Thank you.

2 THE COURT: Thank you, Mr. Delaney. Yes. Now
3 would be the time if anyone does want to
4 address me on behalf of Mr. Means, now you can
5 have your opportunity.

6 Good morning, ma'am.

7 MS. TURNER: Good morning.

8 THE COURT: Can you state your full name?

9 MS. TURNER: My name is Adrian Turner.

10 THE COURT: And, ma'am, what is your
11 relationship with Mr. Means?

12 MS. TURNER: I'm his mama.

13 THE COURT: Yes, ma'am?

14 MS. TURNER: I currently work for South
15 Carolina State at Department of Juvenile
16 Justice, so, you know, I see kids every day
17 that make mistakes. You know, and I'm -- I'm
18 one person there that encourages them to get
19 out and be better people.

20 But, in this case, with my son, Daniel,
21 is a great person. He has always been a great
22 person. He has a year of college; I don't
23 know why he didn't include that. Very
24 educated, you know. And with this happening
25 to Daniel, he had -- he has PTSD. And I --

1 the lady that he had first as a public
2 defender, I was trying to push her to get him
3 assistance for that. But I tried to get
4 Daniel to go, too, and like he said, you know,
5 he didn't trust; his trust is gone.

6 You know, and as a -- a single mother I
7 worked hard to get him to graduation, prom,
8 all the way through it, you know. Just to
9 have it all just go away, and it hurts so bad,
10 you know.

11 And as a mother I -- I mean, I'm just so
12 stressed. I have to go to work and every day
13 and act like nothing's wrong. It's just so
14 bad and it's just sad and I -- I ask that he
15 get 20 years. That's my -- he helped me grow
16 up and become the woman that I am. And as a
17 mother, I'm -- I'm hurt, too. It's, you know,
18 when that happened to him, my baby changed.
19 He turned into a whole different person.

20 And as a mother, I sympathize with the --
21 the victim's mother, as well. That's a
22 hurtful feeling. My son is still here, but I
23 would never -- I -- I would never know her
24 pain, but my pain is close to it. And I just
25 -- Daniel is a great person. He always have

1 been. Always been a leader. Always just a
2 best -- a good person.

3 And I just -- you know, we -- we are
4 Jehovah Witnesses, and even as a young kid
5 growing up, he would run out the house with
6 snot-nose, one sock on, one sock off, going to
7 preach the Lord's work. You know, he comes
8 from a good background, a great foundation.
9 Never in any trouble, but the -- the one thing
10 he had. But other than that, Daniel is a good
11 person. And with everybody, we all need to
12 forgive. We all need to forgive, you know,
13 what's done is done. But I just ask that you
14 sympathize with us and let him have 20 years
15 because we all victims in this courtroom as of
16 now.

17 THE COURT: Thank you, ma'am. Thank you for
18 being here.

19 Yes, ma'am. If you'll please come
20 forward. If you'll state your full name?

21 MS. LONG: My name is Sandra Elaine Long.

22 THE COURT: Yes, ma'am. And what is your
23 relationship with Mr. Means?

24 MS. LONG: I'm his grandmother.

25 THE COURT: Yes, ma'am?

1 MS. LONG: Daniel was -- he's a beautiful kid.
2 I'm the one that aided my grandson to go to
3 the Kingdom Hall of Jehovah's Witness. And I
4 took him in the ministry with me. And I
5 taught him about Daniel. I said, "You are
6 that Daniel." And, now, he's in the lion's
7 den.

8 This young man, I sympathize with his
9 family. I'm sorry about your loss. But now
10 I've got a loss. A young child being taken
11 advantage of and being robbed, I don't know
12 this man. I didn't even know where he came
13 from. A former girlfriend introduced my -- my
14 Daniel. Satan is here; he's real. And it's
15 his fault that this man robbed my son -- my
16 grandson.

17 But I just pray to my Father in Heaven
18 and I said, "Why did I fail? Where did I fail
19 Daniel at?" And God gave me a vision and
20 said, "I am Jehovah. You are my child. I
21 would never forsake you nor leave you. I
22 promise." And if he do 20 years or 30 years
23 or whichever one you give him, Judge, God is
24 gonna keep him and hold him even at that time.

25 Daniel, you are in the lion's den, and

1 you are your Father's child. This devil came
2 to you with whatever he came to pull you down.
3 You know this is nothing new for you, Daniel,
4 because God warned you ahead of time that
5 things like this would come. This is your
6 trial. Now, you've got to prove to everybody
7 that you can stand firm. You will stand firm.
8 You will be strong --

9 THE COURT: Ma'am?

10 MS. LONG: -- and you will defeat this.

11 THE COURT: Ma'am? Ma'am, you need to address
12 your comments to me.

13 MS. LONG: I'm sorry, Judge. I am a preacher.

14 THE COURT: Yes, ma'am. Yes, ma'am. And I
15 mean no disrespect, but this is your time to
16 address me.

17 MS. LONG: Daniel was a beautiful child. And
18 this man took him and did something to his
19 brain. We saw Daniel change each day. He
20 started seeing things and talking out of his
21 head. He was thinking that everybody was
22 after him. Somebody had something --
23 something would go on in the neighborhood and
24 he would think it was coming for him.

25 We took Daniel to the doctor. And the

1 doctor said he -- he's got a -- he --
2 something is wrong with -- with his mind. We
3 need to get mental health. So we talked to
4 Daniel, but we couldn't convince him that he
5 needed to go because he was afraid.

6 And Daniel, that's my baby. Please,
7 Judge, he's never been in trouble. He's never
8 -- he's always been taught to be a gentleman
9 to women and men. That's why he befriended
10 him, I guess he trusted this man. And ever
11 since then, his trust left. And he -- he told
12 me one day, he said, "Grandma, this man's
13 after me. This man is gonna do something to
14 me." And he shook -- he said, "You've got to
15 listen to me."

16 So I don't know where that came from.
17 But I said, "Okay. Daniel, we're gonna go --
18 we're gonna go and get mental help." And he
19 agreed, but instead he went to work.

20 He said, "If I get myself out of the
21 picture and go to work, then I won't have to,
22 you know, see this man," because he was coming
23 to the neighborhood. He moved in our
24 neighborhood, and he was coming and tormenting
25 Daniel.

1 And so, he was afraid, very afraid. A
2 young 16-year-old -- 17-year-old, just
3 graduating out of high school. He was -- he
4 was afraid for hisself (as spoken.) And
5 that's all I have to say, but I want to say
6 one more thing. I'm sorry about your loss.
7 I'm so sorry about your baby not having his
8 dad. I wish that it could be different. No
9 disrespect, Your Honor. Thank you.
10 THE COURT: Yes, ma'am. Thank you. Anything
11 else from the defense before I hear from Mr.
12 Means?
13 MR. DELANEY: No, Your Honor.
14 THE COURT: Mr. Means, sir, now -- now will be
15 your opportunity to tell me anything that you
16 want to. I need for you to rise.
17 THE DEFENDANT: You need me to walk to the
18 front or just start?
19 THE COURT: That's fine. You're fine where
20 you are.
21 THE DEFENDANT: First, I would like say, Your
22 Honor, I'm want to address the family, the
23 victims. I want to truly apologize, because I
24 know what it feels like to be looking over
25 your shoulder and having to be shot. I truly

1 apologize to the family. I understand
2 wholeheartedly how they feel. I apologize to
3 y'all. I really do. From the bottom of my
4 heart, I really apologize. I wish that this
5 would never happen.

6 Secondly, I would like to say, Your
7 Honor, none of this was premeditated.
8 Everything was coincidental. No one gave me a
9 weapon. I have a unlawful carry on my record,
10 2017, because I was shot in 2016. I felt like
11 I had to do everything in my power to protect
12 myself. It made me not trust anyone; that's
13 why I was caught with a weapon. That night at
14 the club, no one gave me a weapon. I had a
15 weapon on me. I have a weapon registered to
16 my name that I used, if you want to search it
17 up, you can look it up.

18 I went inside of that club with a weapon.
19 I had -- I had a weapon on me. It was the
20 security who did not search me wholeheartedly
21 well to see if I had a weapon. No one gave me
22 a weapon. No one else was involved in this
23 crime.

24 Also, I want to say, like I said, this
25 was coincidental. I seen this gentleman two

1 weeks before this -- this occasion occurred,
2 and he was at the store in my neighborhood;
3 and I felt then that something would happen.
4 But I didn't do anything. Yes. I had the
5 same weapon registered to me, on me that day,
6 but I didn't take any action to -- to, you
7 know, hurt -- harm him or anything, because I
8 was right near my own home. I felt like I was
9 able to get to my home safely.

10 The night that I did -- I committed this
11 crime, Your Honor, I committed this crime
12 because I was given a ride by two people who
13 asked me to go out with them. I did not ask
14 to go out. They asked me to go out with them.
15 Once they asked me to go out with them and we
16 got there, I asked this gentleman -- in the
17 video you can see I asked the gentleman,
18 "Please take me home."

19 He told me, "No." You will see him shake
20 his head in the video. He said, "No."

21 So once he told me no, like I say, I felt
22 like I couldn't trust anyone. I didn't know if
23 he was setting me up. I didn't know if he was
24 in cahoots with this guy. I didn't know if
25 they was gonna take my life. If I chose to

1 walk away to leave the club, would they follow
2 me while I'm walking? We was on the west side
3 -- the west side of Spartanburg, and we stayed
4 on the east side of Spartanburg. So I felt
5 like if I walk out of this club, they're gonna
6 follow me, and they're gonna kill me. That's
7 how I felt.

8 I'm not a gang member, but I was told
9 that -- and -- and there's a rumor that this
10 man is a gang member. I'm not a gang member
11 in no way, form, or fashion. I don't have 20
12 to 30 guys standing behind me saying they're
13 gonna protect me. So I felt like I had to do
14 to protect -- what I -- I felt like I had to
15 do. What was needed to be done to protect
16 myself.

17 Now, when it happened, I didn't truly
18 intend to kill this man. I didn't intend to
19 shoot any one of these other -- these other
20 ladies. Like my grandma said, I am a
21 gentleman, and I do not -- and I -- and I do
22 not and will not ever do anything in my power
23 to harm a woman. I apologize that that
24 happened, but when it happened, it happened
25 the way that it did for a reason. I don't

1 know specifically, but like I said, I do
2 understand how they feel.

3 Your Honor, I just want you to know that
4 this is not premeditated at all, in no way,
5 form, or fashion. It was all coincidental. I
6 promise you this, and the reason that I
7 committed this crime, Your Honor, is because I
8 was afraid.

9 I shot that man out of fear. I did not
10 shoot him out of revenge. His sister says in
11 my motion -- and you can look in my motion,
12 that he stated that he seen me two weeks
13 beforehand and he did. He was in my
14 neighborhood. He did see me in the store. It
15 was less populated than the nightclub, but I
16 chose not to take any action towards him
17 because I knew that I could get home safely.
18 Now, we was on the west side of Spartanburg, I
19 knew that it was not a good chance of me
20 getting home safely if this man that asked me
21 to go out to the club with him told me no. He
22 was not gonna take me home. So I felt like I
23 had to do what I had to do to protect myself.
24 To protect my own life.

25 Your Honor, I ask you to please empathize

1 and understand where I'm coming from in this
2 situation. Now, the day that I was shot, Your
3 Honor, I did not expect that in no way, form,
4 or fashion. I was going to buy 2 grams of
5 marijuana from this man. And, instead, he
6 robbed me and shot me. I was shot in the top
7 of my shoulder. Two -- two shots. And I was
8 this way, I was bent down, so miraculously I
9 did not get hit in the top of my head. So Mr.
10 Derrick Bulsa said it was not life-
11 threatening; it was life-threatening. I lost
12 my job at BMW, because they said I was a
13 liability. I could not work there with a
14 bullet inside of my chest. The bullet stayed
15 in my chest for two to three years.

16 So I need you to understand everything
17 that's going on in this case; it's not
18 premeditated. No one else helped me with this
19 crime. I did not retrieve a gun from the
20 inside of that club at all from anyone. The
21 whole reason I went in the back of that club,
22 Your Honor, because I had a weapon on me, and
23 I was trying to find out where can I load my
24 weapon without anyone knowing that I'm loading
25 a weapon. That's the whole reason why I went

1 to the back of that club in the little --
2 little boxed-off area. That's why I went back
3 there. No one handed me a pistol. No one
4 gave me a pistol. The pistol that I had was
5 registered to my name, Daniel Means.

6 Your Honor, I just want you to please
7 understand that, Your Honor. I am taking
8 responsibility, and I am sorry for the loss
9 that happened. But I know that there are laws
10 of nature that -- that -- and, specifically,
11 one, cause and effect. The effect of the
12 situation is the cause, because I was shot and
13 robbed and my life could have been taken (as
14 spoken).

15 So I want you to please understand it. I
16 apologize to what happened to the family, but
17 this would have never happened if what -- if
18 what happened to me would never happened. I
19 don't have a bad history. I don't have a
20 record at all. I would have never been
21 convicted of a pistol charge if I never felt
22 like I needed a pistol, Your Honor. But I
23 know that the key to this whole thing, if I
24 would never have been out in the streets
25 trying to smoke marijuana, I would never be

1 standing today, also. So I understand that.

2 But I ask you to -- Your Honor, to please
3 have mercy on me, be gracious towards me, and
4 please, please I ask you to just give me 20
5 years. If you decide otherwise, I -- I take
6 it as it's a choice from God. But I'm asking
7 you, Your Honor, to give me 20 years. That's
8 all I've got to say. Thank you.

9 THE COURT: Thank you. Okay. You-all, I will
10 be in recess for about ten minutes. Thank
11 you. We'll be at ease.

12 (Off the record from 11:41 a.m.
13 until 11:49 a.m.)

14 THE COURT: The court will please come to
15 order. Everyone will be seated. Everyone
16 will be seated, please.

17 Okay. We are back on the record with
18 regard to the matter of "The State -- The
19 State vs. Daniel Shaquan Deonte Means."

20 MALE VOICE: Your Honor?

21 THE COURT: Oh, sorry.

22 MALE VOICE: There he is.

23 THE COURT: If everyone will be seated,
24 please. Thank you.

25 We are back on the record with regard to

1 the matter of "The State vs. Daniel Shaquan
2 Deonte Means." I have given this much
3 consideration, and I take this very seriously.
4 This is a very, very sad situation for all
5 persons involved. And -- we have a few more
6 people coming in. I think I came in a little
7 early. All right.

8 Again, we are back on the record with
9 regard to the matter of "The State vs. Daniel
10 Shaquan Deonte Means." And I have given this
11 much consideration. This matter was scheduled
12 for a trial. I have been talking with Counsel
13 regarding this matter for a couple of weeks
14 prior to this week. And so, I became very
15 familiar with -- with them and learned about
16 the case as the trial was coming closer.

17 With regard to Indictment 2019-GS-42-917,
18 in which Mr. Means has pled to voluntary
19 manslaughter, it is the order of the Court
20 that Mr. Means be committed to the State
21 Department of Corrections for 27 years. That
22 will be a concurrent sentence with the other
23 charges, and he will be given credit for the
24 910 days that he has spent at the Detention
25 Facility.

1 With regard to Indictments 19-918 and
2 918A, the defendant shall be committed to the
3 State Department of Corrections for a
4 concurrent 20 years with the same credit.

5 With regard to Indictment 19-917A, Mr.
6 Means shall receive a sentence of five years
7 concurrent. There will be no contact with any
8 victims or their family members. And, again,
9 he will get the credit for 910 days.

10 Sir, I do wish you and the victims the
11 very best in the future. Thank you.

12 MR. DELANEY: Thank you, Your Honor.

13 THE COURT: That will conclude the hearing.

14 (Off the record from 11:51 a.m.
15 until 12:04 p.m.)

16 THE BAILIFF: All rise.

17 (WHEREUPON, the jury came into open court
18 at 12:04 p.m.)

19 THE BAILIFF: Be seated.

20 THE COURT: Okay. Again, I'm Judge Knie, and
21 everybody looks very different up close. I
22 don't know if I do or not. But I don't know
23 if you could tell at the auditorium, there's a
24 bright light on -- on the orchestra pit, and
25 it was difficult for me to see your faces

1 clearly.

2 I want to thank you-all so much for your
3 willingness to serve as jurors. And I know
4 you may not have thought that I've known that
5 you-all got here today almost exactly on time.
6 I kept checking with my bailiffs to make sure
7 that you-all had arrived. And I know y'all
8 were in that hallway just outside the offices
9 of our current Chief Justice of the Supreme
10 Court, Justice Beatty, and our former member
11 of the Supreme Court, Justice Burnett, and
12 that you were moved down to the Family Court
13 wing. All of that was happening, because
14 there were some problems with construction
15 issues that affected the courthouse yesterday
16 while we were at the auditorium. They have
17 been dealing with some major issues concerning
18 pipes that burst in the ceilings over here.

19 I want to thank you so much for your
20 patience today with us. You've given us an
21 opportunity to resolve the case that you were
22 called to hear. And if you hadn't been here,
23 we would have never been able to do that. It
24 -- it usually takes getting a jury in place to
25 make people really think about choices that

1 they want to make and what they're facing and
2 what they're not facing, okay?

3 And so, I am going to let you all go for
4 the week in just a moment. That will not be
5 the same for your other big -- the members of
6 the big jury panel. They will continue to
7 call in throughout the week, but I -- I have
8 been ensured by -- assured by the clerk's
9 office that we have enough folks to go forward
10 without you-all. This will mean that you
11 won't have to serve on a jury again for a few
12 years, unless you want to, all right, if
13 you're called.

14 I want to also tell you that you-all
15 should be so proud of the community that you
16 live in. The members of this courthouse staff
17 work so hard to try to make everything as easy
18 as possible for you-all, making sure that you
19 know where to be, what time to be there, and
20 trying to assist you to make this process as
21 easy as possible, as well as the sheriff's
22 department representatives and members from
23 the clerk's office. They do a wonderful job.
24 And so, have a lot of pride in that, that you
25 are a member of this community that has not

1 stopped even during COVID, to keep the wheels
2 of justice moving in Spartanburg County.

3 And so, with that, I am going to release
4 you, and I believe that there will be some
5 instructions regarding your badges and how you
6 will be compensated. (To the bailiff) Is
7 that correct?

8 THE BAILIFF: Yes, ma'am.

9 THE COURT: Okay. And the compensation will
10 be mailed to them; is that correct?

11 THE BAILIFF: I think that's correct.

12 THE BAILIFF #2: Yes, Your Honor.

13 THE CLERK: Yes, sir. Yes -- yes, ma'am.
14 They will -- they will be.

15 THE COURT: Okay. They will be mailed to you.
16 And so the bailiffs now are going to take you
17 back. They will stamp your parking vouchers.
18 (To the bailiff) Is that correct?

19 THE BAILIFF: (Nods head up and down.)

20 THE COURT: And, hopefully, you-all can get
21 out of here and have a nice lunch. Thank you,
22 again, for your service.

23 (WHEREUPON, the jury was excused at 12:09
24 p.m.)

25 (Off the record at 12:09 p.m.)

1 (Whereupon the within hearing was
2 concluded at 12:09 p.m. - May 25,
3 2021)
4 (*This transcript may contain quoted material.
5 Such material is reproduced as read or quoted
6 by the speaker.)

STATE OF SOUTH CAROLINA)
) CERTIFICATE
COUNTY OF SPARTANBURG)

I, Amber Payne, Official Court Reporter for the
Seventh Judicial Circuit of the State of South
Carolina, do hereby certify that the foregoing is a
true, accurate, and complete Transcript of Record of
the proceedings had and the evidence introduced in
the trial of the captioned case, relative to appeal,
in the Court of General Sessions for Spartanburg
County, South Carolina on May 24th and 25th, 2021.

I do further certify that I am neither of kin,
counsel, nor interest to any party herein.

Amber J. Payne, CVR

Date: 7/5/2022
Notary public for South Carolina
My commission expires August 12, 2029

FORM 5

STATE OF SOUTH CAROLINA

County of SpartanburgDaniel S. Meuns 385451

Full name and prison number (if any) of Applicant

v.

State of South Carolina

IN THE COURT OF COMMON PLEAS

CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX
2022 APR -1 AM 11:37
FILED

APPLICATION FOR

POST-CONVICTION RELIEF

2022-CP-42-01186INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Lee County C.I. 990 WISACKY Hwy
BISHOPVILLE, SOUTH CAROLINA 29010
2. Name and location of Court which imposed sentence SPARTANBURG
COUNTY (7th Juv. Dist) 183 MAGNOLIA St, 29301
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) Ind # 2019GS4200917 (CIA NO 2018A421004306)
 - (b) CIA NO 2018A421004307 - 308

- (c) C/A NO - 2018 A421004309
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) MAY 25, 2021 - 27 years (concurrent)
- (b) MAY 25, 2021 - 0-20 years (concurrent) x2
- (c) MAY 25, 2021 - 0-5 years (concurrent)
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty X
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
YES
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. 06/28/2021 (Spartanburg County) Initial NOA
- ii. 07/06/2021 INQUIRING - Initial NOA
- iii. 08/03/2021 2nd Attempt - INQUIRING - Initial NOA
- (b) the result in each such Court to which you appealed:
- i. NONE - DID NOT ENTERTAIN
- ii. NONE - DID NOT ENTERTAIN
- iii. NONE - DID NOT ENTERTAIN
- (c) the date of each such result:
- i. 06/28/2021
- ii. 07/06/2021 @ 10:03
- iii. 08/03/2021 @ 14:19
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. NO Results
- ii. NO Results
- iii. NO Results
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) _____
- (b) _____

AMY W. COX
CLERK OF COURT
SPARTANBURG COUNTY

2022 APR - 1 AM 11:37

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Ineffective Asst of Counsel (see - Attached)
- (b) Involuntary Guilty Plea (see - Attached)
- (c) Due Process Violation (see - Attached)
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) NO BLAME HEARINGS, etc (see - Attached)
- (b) NO Complete Investigation; etc (see - Attached)
- (c) NO Appeal was Filed; etc (see - Attached)
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? N/A
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? N/A
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? N/A
- (d) any other petitions, motions or applications in this or any other Court? N/A
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. _____
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. _____
- ii. _____
- iii. _____
- iv. _____

CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

2022 APR -1 AM 11:38

(c) the disposition thereof:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NONE

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. _____
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. _____
- ii. _____
- iii. _____

AMY W. COX
CLERK OF COURT
SPARTANBURG COUNTY

2007 APR - 1 AM 11:38

FILED

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) LAWYER NEVER FILED AN APPEAL.
 (b) With "Strict Proof" of Filing NOT Entertain.
 (c) _____

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? Brandon Delaney, Esq.
 (b) your trial, if any? N/A
 (c) your sentencing? Daniel McDonald, Esq.
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? N/A
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
N/A

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

i. Brandon Delaney - Spartanburg
Public Defenders Office, Spartanburg.
 ii. Daniel McDonald - Spartanburg
Public Defenders Office, Spartanburg.
 iii. _____

(b) the proceedings at which each such attorney represented you:

i. Arraignment & plea (Involuntary)
 ii. Arraignment & Plea (Involuntary)
 iii. _____

CLERK OF COURT
 SPARTANBURG COUNTY
 AMY W. COX

2003/3 revised APR - 1 AM 11:38

19. State clearly the relief you seek in filing this application:

A NEW TRIAL BECAUSE, I NEED THE
JURY < FACT FINDERS > TO DETERMINE MY
INNOCENCE OR GUILT IN CRIMES) CHARGED.

20. Are you now under sentence from any other court that you have not challenged? 0

NONE

STATE OF SOUTH CAROLINA)

County of LEE)

VERIFICATION

I, DANIEL S. MEANS (DOB 08/30/1996), being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it ^{does not} includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

X Daniel Means

SWORN to and subscribed before me this 29th
 day of MARCH 2022

Renae McLeke (L.S.)
 Notary Public

My Commission Expires: 04/09/29

AMY W. COX
 SPARTANBURG COUNTY
 CLERK OF COURT

2022 APR - 1 AM 11:38
 Revised 3/2003

FILED

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, Daniel S. Moans (DOB 8/30/1986) hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

X Daniel Moans

Applicant

SWORN or affirmed to and subscribed before me this
29th day of March, 2022.

James M. Zeke
Notary Public

My Commission Expires: 04/09/29

CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

2022 APR -1 AM 11:38 Revised 3/2003

FILED

THE STATE OF SOUTH CAROLINA
 IN THE County of SPARTANBURG IN THE COURT of Common Pleas
 17th JUDICIAL CIRCUIT

MR. DANIEL S. MEANS, #385451

PLAINTIFF, C/A NO.: (TAN)

V.

STATE OF SOUTH CAROLINA,
 Defendants.

ATTACHED
 MEMORANDUM IN SUPPORT
 OF PCR APPLICATION

FILED

2022 APR -1 AM 11:38

CLERK OF COURT
 SPARTANBURG COUNTY
 AMY W. COX

MEMORANDUM OF LAW IN
 SUPPORT OF ATTACHED "PCR" Application

THIS MATTER IS BEING BROUGHT TO THE VERY ATTENTION OF THIS HONORABLE COURT, BY WAY OF A PRO-SE APPLICANT SEEKING TO REVERSE HIS CONVICTION AND SENTENCE PURSUANT TO § 17-27-10 THROUGH 160, SOUTH CAROLINA CODE OF LAWS.

HOWEVER, AN APPLICATION FOR POST-CONVICTION RELIEF CANNOT BE MADE WHILE AN APPEAL FROM THE CONVICTION/SENTENCE IS PENDING. APPLICANT ASSERTS THAT AN APPEAL WAS NOT HAD, BEING THAT COUNSEL DID NOT FILE AS APPLICANT THOUGHT HE DID, TO NO AVAIL.

Applicant's Grounds for Relief

1. First, Applicant Here Claims With Supporting Argument To The Following, "THAT HE WAS DENIED THE EFFECTIVE ASSISTANCE OF COUNSEL", IN VIOLATION OF HIS SIXTH (6th) AMENDMENT RIGHTS UNDER THE UNITED STATES CONSTITUTION, AS WELL AS SOUTH CAROLINA CONSTITUTION AND THE LAWS THEREIN, IN REGARDS TO BOTH PLEA COUNSELS ON RECORD.

2. Next, Applicant Here Claims "THAT HIS GUILTY PLEA WAS NOT UNDERSTOOD AND NOT FULLY INVESTIGATED AND THEREFORE HE DID NOT KNOWINGLY OR WILLINGLY AGREED TO PLEA GUILTY TO THE CRIMES CHARGED." THERE IS A REASONABLE PROBABILITY HAD COUNSEL PROPERLY HAD BROUGHT THE ISSUES TO THE APPLICANT'S KNOWLEDGE, A GUILTY PLEA WOULD NOT HAVE BEEN HAD, ALSO IN VIOLATION OF APPLICANT'S CONSTITUTIONAL RIGHTS

3. Finally, Applicant Here Claims "HE WAS DENIED DUE PROCESS" IN REGARDS TO SUFFERING PROCEDURAL DEFAULTS ON SUBSTANTIAL CLAIMS; AS WELL AS A RIGHT TO APPEAL ANY DECISIONS BY ANY COURT.

CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX
2022 APR -1 AM 11:38

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[PCR- Application] Continuers

10. STATE CONCISELY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOU ARE BEING HELD IN CUSTODY UNLAWFULLY.

(a) Ineffective Assistance of Both Counsel.
 ① Counsel's (both) Representation fell below AN OBJECTIVE STANDARD OF REASONABLENESS
 ② THE DEFICIENT PERFORMANCE WAS PREJUDICIAL

(b) Involuntary AND Invalid Guilty Pleas
 ① THE ABSENCE OF KNOWLEDGE THWARTED THE FAIRNESS OF A JUST HEARING
 ② PERSUADED BY THE REASONING OF THE PLEA SHOULD/SHALL FIND THAT THE FAIRNESS WAS COMPROMISED.

(c) Due Process Violation & Injury.
 ① After Guilty Plea Counsel(s) failed to file A "NOTICE OF APPEAL" AS REQUESTED
 ② THIS PRECISE PREJUDICE RESULTING FROM Counsel(s) DEFICIENT PERFORMANCE.

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 CLERK OF COURT
 SPARTANBURG COUNTY
 AMY W. COX

FILED

3/5

11.

STATE CONCISELY AND IN THE SAME ORDER THE FACTS WHICH SUPPORT EACH OF THE GROUNDS SET OUT IN (10):

(a) ① Counsel's performance was deficient for failing to make a motion for a (Blair Hearings).

② Clearly was prejudiced by this mistake because an additional punishments/statutes were added.

(b) ① The state withheld viable discovery and/or records, and if Counsel properly had brought the discrepancy to the Court's attention, Applicant would not have conflicting deprivations.

② The Jury would've understood prior actions that was had between Applicant and decedent, and fully acknowledge the facts.

(c) ① The due process requires the interest of justice, with procedural requirements.

② Applicant suffered procedural defaults on substantial claims.

~~<NOT PROTECTED BY RULES: PROF. COND. RULE 1.14(5)(b)>~~

Applicant can demonstrate a reasonable probability the results would have been different if plea counsel had made the appropriate (Blair Hearings) motion.

FILED

ACCORDINGLY, APPLICANT BELIEVES THAT THE (PCR) COURT MUST ADDRESS THE ISSUE OF PREJUDICE EVEN IF NO PLAIN ERROR WAS FOUND ON DIRECT APPEAL. IF A DIRECT APPEAL BEEN HAD, AND FILED AS REQUESTED, SHOULD BE A FACTOR FOR CONSIDERATION WHEN REVIEWING ANY LATER CLAIMS OF INEFFECTIVE ASSISTANCE OF COUNSEL, IT SHOULD NOT PRECLUDE THE CLAIM. COUNSEL SHOULD HAVE BY LAW APPEALED APPLICANT'S SENTENCE.

Wherefore, Applicant humbly AND Respectfully Request That Counsel Be Appointed. That also This PCR Application is Requesting Summary Judgment, in Light of the facts and law AS there is no genuine issue of material fact by which the state could arguably refute the grounds contained herein. And where, Applicant is Entitled to Relief AS A Matter of Law.

Respectfully Submitted.

Daniel S. Means

Mr. Daniel S. Means, #38545/
Lee Correctional Institution
990 WISACKY Highway
Bishopville, S. Carolina 29010

TO BE INCLUDED
WITH FILED PCR
APPLICATION
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. WILSON

2022 APR -1 AM 11:38

FILED

5/5

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

Daniel Means, #385451,
Applicant,

v.

State of South Carolina,
Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE SEVENTH JUDICIAL CIRCUIT

Case No. 2022-CP-42-01186

**RETURN AND MOTION FOR A
MORE DEFINITE STATEMENT**

NOW COMES Respondent, moving for a more definite statement and making its return to the post-conviction relief (hereafter “PCR”) application filed on April 1, 2022, by Daniel Means (hereafter “Applicant”). Respondent respectfully offers the following in support of its return:

I. Procedural History

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Spartanburg County Clerk of Court. During its February 2019 term, the Spartanburg County Grand Jury indicted Applicant for murder (count one) and possession of a firearm during commission of a violent crime (count two) (2019-GS-42-00917) and attempted murder (two counts) (2019-GS-42-00918). Applicant was represented by Brendan Delaney and Daniel MacDonald, IV, Esquires. Then-Deputy Solicitor Derrick Balsa, Esquire, of the Seventh Circuit Solicitor’s Office prosecuted the case.

On May 24-25, 2021, and after jury qualifications, jury selection, and pre-trial motions, Applicant appeared before the Honorable Grace Gilchrist Knie, circuit court judge, and pled guilty to the lesser-included offenses of voluntary manslaughter and to a range of twenty to thirty years’ imprisonment, to the lesser included offenses of assault and battery of a high and

aggravated nature to range of zero to twenty years' imprisonment, and as indicted on the weapons possession charge. Knie sentenced Applicant to twenty-seven years' imprisonment for voluntary, twenty years' imprisonment of each ABHAN count, and five years' on the weapons possession charge, sentences running concurrently. Applicant did not pursue a direct appeal.

II. Statement of Facts

Applicant entered a restaurant that was well equipped with video surveillance. (Tr. 138-39). Applicant was patted down and found to be without a weapon. (Tr. 139). He arrived with a couple other individuals claiming they had no awareness of Applicant's plan. (Tr. 139).

In June 2016, the victim attempted to rob Applicant and shot him in the process and served prison time. (Tr. 140). Some time after being released, he went to the club with some friends. (Tr. 142). Applicant went to the club and arranged to obtain a gun. (Tr. 142). Applicant obtained the gun and shot and killed Young with it. (Tr. 142). Two other individuals were shot in this incident: one in the head and one in the side. (Tr. 142-43). Seven total shots were fired. (Tr. 143).

III. Current Action before the Court

In his *pro se* PCR application, Applicant alleges he is detained unlawfully for the following reasons:

1. Ineffective Assistance of Counsel.
 - a. Failure to make a motion for a *Blair* hearing.
2. Involuntary and Invalid Guilty Plea.
 - a. The State withheld discovery and/or records and if Counsel properly had brought the discrepancy to the Court's attention, Applicant would not have conflicted deprivations.
 - i. The jury would have understood prior action between Applicant and the decedent, and fully acknowledge the facts.
3. Due Process Violation and Injury.
 - a. The Due Process requires the interest of justice, with procedural requirements.
 - b. Applicant suffered procedural defaults on substantial claims.

Attached to and incorporated herein are Applicant's Spartanburg County Clerk of Court Records, Applicant's South Carolina Department of Corrections Records, the plea transcript, and the current PCR application. Respondent reserves the right to amend this return upon receipt of additional relevant information.

IV. Argument

Ineffective Assistance of Counsel

In a PCR action, the applicant bears the burden of proving allegations contained in the application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). Effective assistance of counsel does not mean perfect or mistake-free representation. *See Weaver v. Massachusetts*, 137 S. Ct. 1899 (2017) (“[A] defendant has a right to effective representation, not a right to an attorney who performs his duties ‘mistake-free.’” (citation omitted)); *Burt v. Titlow*, 571 U.S. 12, 24 (2013) (“[T]he Sixth Amendment does not guarantee the right to perfect counsel; it promises only the right to effective assistance[.]”); *Yarborough v. Gentry*, 540 U.S. 1, 8 (2003) (“The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight.”). Instead, it simply means assistance that was objectively reasonable under prevailing professional norms. *Strickland*, 466 U.S. at 687-688.

When an applicant asserts ineffective assistance of counsel as a ground for relief, the applicant must show “counsel’s conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result.” *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. Ineffective assistance of counsel is governed by the Sixth Amendment, as explained by the United States Supreme Court in *Strickland v. Washington*.

Pursuant to the first prong of the *Strickland* analysis, the applicant must prove defense

counsel's performance was deficient. *Id.* at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). To show deficiency, the applicant must prove by a preponderance of the evidence that counsel's actions fell outside of the zone of "reasonableness under prevailing professional norms." *Strickland*, 466 U.S. at 688. See also Rule 71.1(e), SCRCR ("The applicant has the burden of establishing his entitlement to relief by a preponderance of the evidence."). Reasonableness is determined by the "variety of circumstances faced by defense counsel or the range of legitimate decisions regarding how to best represent a criminal defendant," and the scope of the reasonableness inquiry is limited to facts counsel had available at the time of representation. *Id.* at 689. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." *Yarborough v. Gentry*, 540 U.S. 1, 5 (2003) (citing *Strickland*, 466 U.S. at 690); see *Dunn v. Reeves*, 141 S. Ct. 2405, 2410 (2021) (noting counsel's strategic decisions are to be afforded "'strong presumption' of reasonableness that the defendant must overcome"); *Cullen v. Pinholster*, 563 U.S. 170, 189 (2011) (explaining a defendant must show defense counsel failed to act reasonably considering all the circumstances in order to overcome the presumption of adequate representation). Judicial scrutiny of counsel's performance remains highly deferential towards defense counsel with a strong presumption that counsel acted competently, because competent representation may be executed in virtually "countless" ways. *Strickland*, 466 U.S. at 688-89.

Second, counsel's deficient performance must have prejudiced the applicant so that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Cherry*, 300 S.C. at 117-18. "A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Strickland*, 466 U.S. at 694.

The court makes this determination based upon the totality of the evidence. *Id.* at 695.

Importantly, “[t]he likelihood of a different result must be *substantial*, not just conceivable.”

Harrington v. Richter, 562 U.S. 86, 112 (2011).

The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. *Strickland*, 466 U.S. at 696. A court need not first determine whether counsel’s performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies; if it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. *Id.* at 696-97.

Involuntary Plea

In the context of a guilty plea, the applicant must show there is a reasonable probability that, but for ineffective assistance of counsel, he or she would not have pled guilty but, instead, would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52, 59 (1985). Applicant’s right to contest the validity of a plea is usually, but not invariably, foreclosed because of the inherent solemnity and truthfulness included in the guilty plea process. *See Blackledge v. Allison*, 431 U.S. 63, 73-74 (1977) (“Solemn declarations in open court carry a strong presumption of verity. The subsequent presentation of conclusory allegations unsupported by specifics is subject to summary dismissal, as are contentions that in the face of the record are wholly incredible.”). Absent valid reasons why the applicant is entitled to depart from previous judicial admissions made at the plea hearing, statements made during the original proceeding remain conclusive. *Dalton v. State*, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing *Crawford v. United States*, 519 F.2d 347, 350 (4th Cir. 1975)).

For a plea to be valid, the applicant must have been aware of the nature and crucial

elements of the offense the maximum and minimum penalties, and the rights he is waiving by accepting the plea. *Boykin v. Alabama*, 395 U.S. 238 (1969); *Roddy v. State*, 339 S.C. 29 (2000). A plea is not knowing or voluntary if a defendant “lacks knowledge of material evidence in the prosecution’s possession.” *Gibson v. State*, 334 S.C. 515, 523, 514 S.E.2d 320, 324 (1999).

A defendant’s knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and “may be accomplished by colloquy between the court and defendant, between the court and defendant's counsel, or both.” *Roddy v. State*, 339 S.C. at 34, 528 S.E.2d at 421 (citing *State v. Ray*, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). “[T]he voluntariness of a guilty plea is not determined by an examination of the specific inquiry made by the sentencing judge alone, but is determined from both the record made at the time of the entry of the guilty plea and the record of the post-conviction hearing.” *Dalton*, 376 S.C. at 138, 654 S.E.2d at 874 (quoting *Harres v. Leeke*, 282 S.C. 131, 133, 318 S.E.2d 360, 361 (1984)). Further, “guilty pleas, freely and voluntarily entered, act as a waiver of all non-jurisdictional defects and defenses, including claims of a violation of a constitutional right prior to the plea.” *Whetsell v. State*, 276 S.C. 295, 297, 277 S.E.2d 891, 892 (1981).

Respondent contends the plea was entered freely, knowingly, intelligently, and voluntarily. After the State called the case, Applicant was placed under oath. (Tr. 120-21). Applicant stated that he was present to enter pleas on the charges against him. (Tr. 121). The Court ensured Counsels’ understandings concerning the offenses and negotiations were in line with what the State had articulated. (Tr. 121-22). Applicant stated he wanted to plead instead of going to a jury trial. (Tr. 123-24). Applicant stated he understood he was waiving his right to remain silent, to call and confront witnesses, and to a jury trial. (Tr. 124-25). Applicant stated that no one threatened, coerced, or promised him anything to get him to plead. (Tr. 125). He

stated he was not under the influence of drugs or alcohol, nor did he have a mental or physical infirmity. (Tr. 125).

Once Applicant raised the issue of mental health, Counsel Delaney informed the Court that he did not think the evaluation was needed and that Applicant seemingly understood all proceedings. (Tr. 126-28). Applicant stated he was taking his medication as prescribed and that it did not interfere with his understanding of the proceedings. (Tr. 128-30). Applicant stated that he was satisfied with Counsels and that they did everything he asked of them. (Tr. 130-31). Applicant stated he understood the charges being pled to, the potential penalties, and the violent, serious, and most serious distinctions, when applicable. (Tr. 131-33). Applicant stated he understood sentencing ranges, included the negotiated range for voluntary. (Tr. 134). Applicant then pled guilty on all charges. (Tr. 135-36). Applicant stated he understood he had ten days to appeal. (Tr. 136-37). Thus, Applicant seemingly entered his plea freely, knowingly, voluntarily, and intelligently and should not be permitted to have it vacated now. Thus, Respondent contends that Applicant likely cannot meet his burden of proof but requests an evidentiary hearing to fully resolve the matter.

Blair Hearing

Applicant claims Counsel was ineffective for failing to request a competency hearing be convened. "Due process prohibits the conviction of an incompetent defendant, and this right may not be waived by a guilty plea." *Matthews v. State*, 358 S.C. 456, 458, 596 S.E.2d 49, 50 (2004) (citing *Jeter v. State*, 308 S.C. 230, 232, 417 S.E.2d 594, 595-96 (1992)). "In a PCR action, the petitioner must prove by a preponderance of the evidence that he was incompetent when he entered his guilty plea." *Id* at 458-59, 596 S.E.2d at 50. "In order to find that petitioner's trial counsel was ineffective for refusing to request a *Blair* hearing on petitioner's competency to

stand trial, petitioner must show that counsel was deficient and that the deficiency prejudiced the outcome of petitioner's proceedings." *Id.* at 459, 596 S.E.2d 50-51. Prejudice is found when the petitioner shows a "'reasonable probability' that he was either insane at the time [the crime was committed] or incompetent at the time of the plea." *Id.* (citing *Jeter v. State*, 308 S.C. 230, 233, 417 S.E.2d 594, 596 (1992)).

Applicant has failed to show a *Blair* hearing was warranted or that Counsel was ineffective for failing to request one. In fact, this was seemingly waived at the plea hearing explicitly on the record. (Tr. 126-28). Thus, Respondent contends that Applicant likely cannot meet his burden of proof but requests an evidentiary hearing to fully resolve the matter.

Brady Violation

Applicant alleges a *Brady* violation occurred. *Brady* violations occur if four conditions are met: "the evidence was favorable to the accused", "it was in the possession of or known to the prosecution", "it was suppressed by the prosecution", and "it was material to guilt or punishment." *Gibson v. State*, 334 S.C. 515, 524, 514 S.E.2d 320, 324 (1999). Whether a *Brady* violation is material and, thus, sufficient to warrant relief, is contingent on where there is a "reasonable probability that, but for the government's failure to disclose *Brady* evidence, the defendant would have refused to plead guilty and gone to trial." *Id.* at 325. Further, whether a mistrial is warranted remains contingent on "(1) the cumulative effect of such misconduct; (2) the strength of the properly admitted evidence of the defendant's guilt; and (3) the curative actions taken by the court.'" *State v. Inman*, 395 S.C. 539, 565, 720 S.E.2d 31, 45 (2011) (quoting *United States v. Anwar*, 428 F.3d 1102, 1112 (8th Cir. 2005)).

Applicant fails to state with any specificity what the State withheld or how it was material. Thus, Respondent contends that Applicant likely cannot meet his burden of proof but

requests a more definite statement and an evidentiary to fully resolve the matter

V. Motion for a More Definite Statement

Respondent moves for a more definite statement regarding Applicant's allegations. Applicant fails to set forth with specificity any facts and circumstances upon the claims are based. The Uniform Post-Conviction Procedure Act requires that applicants must "specifically set forth the grounds upon which the application is based." Section 17-27-50 of the Code of Laws of South Carolina (1976). In a PCR application, it is incumbent upon applicants to make at least a *prima facie* showing which would entitle him to relief before an evidentiary hearing will be scheduled and held. *Welch v. MacDougall*, 246 S.C. 258, 143 S.E.2d 455 (1965); *Blandshaw v. State*, 245 S.C. 385, 140 S.E.2d 784 (1965). The Supreme Court of South Carolina has provided that:

[M]ere allegations of incompetency or ineffectiveness of counsel will not ordinarily suffice as grounds for a new trial under the Post-Conviction Procedure Act. The bare assertion by the appellant that he was deprived of counsel is insufficient.

Coardes v. State, 262 S.C. 493, 497, 206 S.E.2d 264, 265 (1974).

Furthermore, Rule 8(a), SCRPC, requires all civil pleadings include "a short and plain statement of the facts showing that the pleader is entitled to relief." Respondent moves pursuant to Rule 12(e), SCRPC, to require Applicant to provide a more definite statement of his claims. Respondent moves to require Applicant to file an additional amended application well in advance of any evidentiary hearing concerning this matter. If Applicant fails to file a timely and responsive amended application setting forth specific allegations for relief, Respondent reserves the right to move to dismiss the allegation.

VI. Other Allegations Denied

Each and every other allegation in Applicant's PCR application not explicitly admitted,

qualified, or explained in this return is hereby denied by Respondent.

VII. Assertion of Rights to Notice of Amendments, Experts

Applicant should raise any claims he intends to raise at the PCR evidentiary hearing well in advance of the hearing. Here, Applicant's court-appointed attorney is the only individual authorized to file amendments to this application, given his representative capacity, Rule 11(a), SCRCP and *pro se* filings will not be considered at the PCR hearing. *State v. Devore*, 416 S.C. 115, 123, 784 S.E.2d 690, 694 (Ct. App. 2016) (*Pro se* filing is a nullity where person was represented by counsel); *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010) ("Since there is no right to 'hybrid representation' that is partially *pro se* and partially by counsel, substantive documents, with the exception of motions to relief counsel, filed *pro se* by a person represented by counsel are not to be accepted unless submitted by counsel.").

Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent or, in the alternative, continue the matter to permit adequate time to investigate and address the claims. *See Mangal v. State*, 421 S.C. 85, 805 S.E.2d 568 (2017) ("In most PCR cases . . . we have refused to excuse the pleading and issue-preservation requirements that apply in all civil cases."); *Love v. State*, 428 S.C. 231, 242, 834 S.E.2d 196, 201 (2019) ("When analyzing the substance of a proposed amendment and any prejudice the State might suffer, a PCR court should consider all relevant circumstances, including, but not limited to, the timing of the motion, the complexity of the new issue, the degree of surprise to the State, the need for and availability of necessary witnesses to defend against the claim, and whether the substance of the proposed amendment is readily apparent from the underlying plea or trial record."); *see also* Rules 15(a)-(b), SCRCP (explaining how to amend a pleading). Pursuant to Section 17-27-150 of the South Carolina Code of Laws,

Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless the Court grants leave upon good cause shown. Furthermore, Respondent requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to Respondent well in advance of the evidentiary hearing. Respondent reserves the right to request a continuance and oppose witness testimony and exhibits withheld until the last minute resulting in undue prejudice to Respondent.

VIII. Conclusion

WHEREFORE, Respondent requests that the Court require Applicant to provide a more definite statement and then hold an evidentiary hearing regarding Applicant's allegations.

Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

CHELSEY F. MARTO
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
Telephone: (803) 734-0386

August 3, 2022

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

Daniel Means, #385451

Applicant,

vs

State of South Carolina,

Respondent,

IN THE COURT OF COMMON PLEAS

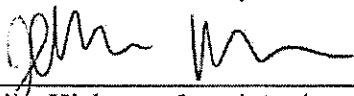
2022-CP-42-01186

CERTIFICATE OF SERVICE BY MAIL

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Return in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Mr. Rodney W. Richey, Esquire.
 Richey & Richey, PA
 P.O. Box 10916
 Greenville, SC 29603-0916

DATED this 3rd day of August 2022.



 Jordan Hickman, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF SPARTANBURG	)	2022-CP-42-1186
	)	
	)	
	)	
	)	
DANIEL MEANS,	)	
	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
THE STATE OF SOUTH CAROLINA,	)	
DEFENDANT.	)	
	)	

October 17, 2022
Spartanburg, South Carolina

B E F O R E:

THE HONORABLE BRIAN M. GIBBONS, JUDGE.

A P P E A R A N C E S:

CHELSEY MARTO, ESQ.
Assistant Attorney General

RODNEY RICHEY, ESQ.
Attorney for the Applicant

AMBER PAYNE, CVR
Circuit Court Reporter

I N D E X

(SW) - Denotes State's Witness
(AW) - Denotes Applicant's Witness

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P R O C E E D I N G S

(Whereupon, the hearing began at
11:52 a.m.)

THE COURT: All right. Madam A.G., if you'll
introduce the case.

MS. MARTO: Yes, Your Honor. Good morning. May it
please the Court.

THE COURT: Yes.

MS. MARTO: We are here today in the case of "Daniel
Means vs. the State of South Carolina," 2022-CP-42-
1186. He's presently confined in the South Carolina
Department of Corrections. February 2019, he was
indicted for murder and possession of a firearm and
attempted murder, two counts. He was represented by
Mr. Brendan Delaney and Daniel MacDonald and was
prosecuted by Mr. Derrick Bulsa on May 24th through
the 25th.

After jury qualifications, jury selection, and
pretrial motions, he appeared before the Honorable
Grace Gilchrist Knie and pled guilty to the lesser
included offenses of voluntary, to a range of 20 to
30 years imprisonment, to the lesser included of
assault and battery of a high and aggravated nature
in a range of 0 to 20 years and as indicted on the
weapons charge. He was sentenced to 27 years for

1 voluntary, 20 years for each count of ABHAN, and
2 five on the weapons charge; sentences running
3 concurrently. Applicant did not pursue a direct
4 appeal. The application was filed April 1st, 2022,
5 and the State's return made August 3rd, 2022.

6 And with that, I'll turn it over to Mr. Richey.

7 THE COURT: Mr. Richey?

8 MR. RICHEY: Thank you, Your Honor. We -- we call
9 Mr. MacDonald, please.

10 THE COURT: All right. Mr. MacDonald. Sir?

11 (WHEREUPON, the witness was sworn.)

12 DIRECT EXAMINATION OF DANIEL MACDONALD, ESQ.

13 BY MR. RICHEY:

14 Q Sir, could you state your name, please?

15 A It's Dan MacDonald, spelled M-a-c-d-o-n-a-l-d.

16 Q And, Mr. MacDonald, were you involved in the
17 representation of Mr. Means?

18 A I was. I was second chair for the defense of Mr. Means.

19 Q Okay. And this case arose out of a nightclub shooting;
20 is that correct?

21 A That's correct.

22 Q And Mr. Means was at a nightclub and allegedly shot and
23 killed a guy, correct?

24 A That's what the allegations were.

25 Q And -- and you talked to Mr. Means prior about this case,

1 correct?

2 A Yes, sir.

3 Q And -- and, in the case, was one of the issues y'all was
4 contemplating using was his mental state; is that
5 correct?

6 A That was something that we had discussed. However,
7 through our discussions in preparation in this case, the
8 defense was -- that we were going forward with was that
9 he was not present at the nightclub and that the shooter
10 was not him. And that was what our discussions were, and
11 that is what he ended up telling us that that was the
12 defense that we were going forward with when we discussed
13 this case.

14 Q So the defense was that he didn't shoot the guy?

15 A That's correct.

16 Q And -- and that -- okay. And wasn't there a video in the
17 case?

18 A There -- there was a video from the Gravy's Grill, yes,
19 sir.

20 Q And -- and did the video -- was the video clear about --
21 was it clear? I mean, could you see what happened?

22 A I mean, you can see that there's a shooter, and that
23 shooter shot the deceased person. And then it was just
24 gonna be a question of whether it was Mr. Means or not.
25 And our defense was going to be that it wasn't. We had

1 picked -- I mean, we got to the point where we had picked
2 a jury.

3 Q And y'all would go to trial on he was not the shooter?

4 A Correct.

5 Q Okay.

6 MR. RICHEY: Your Honor, can I approach the witness,
7 please?

8 THE COURT: Yes, sir.

9 MR. RICHEY: Thank you, Your Honor.

10 Q Do you recognize what that motion -- ex parte motion is?

11 A Yes.

12 Q And what is that?

13 A It was for a psychological evaluation for Daniel Means.
14 This was when Andrea Price was the -- his attorney at the
15 time, and this was before the case was reassigned to
16 Brendan Delaney.

17 Q Was that prepared in the course of his representation?
18 Was that motion prepared -- it was prepared?

19 A Yes.

20 Q And Ms. Price was representing him at the time?

21 A That's correct.

22 Q And you were familiar with this motion at the time that
23 y'all undertook representation for him?

24 A I -- I was assisting Ms. Price at that time, as well,
25 yes, sir.

1 Q So -- so you were familiar, and y'all filed this and all
2 this (indicates)?

3 MR. RICHEY: (To the Court) Okay. We'll like to
4 offer this as Applicant Number 1.

5 MS. MARTO: No objection.

6 THE COURT: Without objection, introduced.

7 (WHEREUPON, the ex parte motion, it is entered
8 into evidence as Applicant's Exhibit No. 1.)

9 MR. RICHEY: (To the court reporter) You -- you got
10 a stapler? And would you staple this?

11 THE COURT REPORTER: I don't have one.

12 THE COURT: (To Mr. Richey) See if there's a staple
13 in there.

14 MR. RICHEY: Thank you.

15 THE COURT: If not, here's another one. I don't
16 know if there's --

17 MR. RICHEY: This is good.

18 THE COURT: It was in there?

19 MR. RICHEY: Yes, sir. Thank you.

20 **DIRECT EXAMINATION OF DANIEL MACDONALD ESQ. CONTINUES**

21 BY MR. RICHEY:

22 Q And what was the basis for this expert? Do you know? Do
23 you recall?

24 A So I believe what had happened was me and Ms. Price had
25 went to talk to him at the jail, and some of the things

1 that he was -- and this was prior to his trial that was
2 originally going to be scheduled. I think it was January
3 of either that year or the year prior. And we had both
4 gone and spoke to him. And we both thought that the
5 things he was telling us wasn't really making a lot of
6 sense, and so -- in terms of competency. And so, we
7 thought that the best course of action before this got
8 picked -- you know, placed on a docket, because I think
9 the solicitor had stated he was aiming for a January
10 docket. We wanted to just get him evaluated prior to
11 that.

12 Q And one of the things in this case is the gentleman that
13 got shot and killed actually shot Mr. Means prior to
14 that, correct?

15 A That's correct.

16 Q And did Mr. Means discuss with you and Ms. Price at the
17 time, and I'm looking at this motion, that he had PTSD?

18 A That's correct.

19 Q He did? And that -- was that PTSD derived from the
20 shooting that he was involved?

21 A Yes.

22 Q Okay.

23 A The prior -- the prior --

24 Q The prior shooting?

25 A -- one where he was the victim.

1 Q Yeah. And did he tell you at the time that that affected
2 his mental state during the -- the shooting at the
3 nightclub?

4 A So what he had told us at the -- is that he wasn't the
5 shooter at the nightclub. He -- what -- but he did say
6 that he had seen this person prior to the shooting when
7 he was walking down the street, and that triggered his PS
8 -- or PTSD.

9 Q Okay. Well, there was never going to be a defense on the
10 case that he shot the guy because he had PTSD, and that
11 was the -- the result of him shooting the guy?

12 A From the entirety of my representation of assisting both
13 attorneys, that was -- it was always my understanding
14 that the defense was that he was not the shooter. And
15 that's what our defense was when we were going to --
16 after we picked a jury. I mean, that was the game plan
17 was that Mr. Means was not the shooter.

18 Q So, at the time y'all picked this jury, y'all were not
19 going to present to this jury an expert to say that he
20 was suffering from PTSD?

21 A No. Because all of our knowledge with discussions from
22 the -- with Mr. Means was that he was not the shooter.

23 Q Okay. And I'm gonna pass this back up to you. You all
24 did this funding request, correct?

25 A That's correct.

1 Q Can you tell me what happened with that request? Whether
2 there was an expert -- or the gentleman in the motion,
3 was he actually retained to do the evaluation?

4 A It was Dr. McKee. And he was retained, and he did go to
5 the jail. I believe that, if I recall correctly, I
6 accompanied -- I met with him at the jail, and we went to
7 go talk to Mr. Means. Ms. Price was not there. And
8 before we began at -- doing any sort of evaluation, Mr.
9 Means was having complaints with -- with Mrs. -- with Ms.
10 Price's representation, and he didn't want to do anything
11 that she had suggested. And so, he didn't cooperate with
12 the evaluation, so the evaluation was ended before it
13 could even begin.

14 Q So your -- your testimony is that you were at the jail
15 with Mr. Karr (as spoken) to do --

16 A (Shakes head from side to side.)

17 Q You have to answer yes or no.

18 A It -- it was with -- with Mr. McKee -- Dr. McKee.

19 Q McKee. And you were there at the jail with Dr. McKee?

20 A Yes.

21 Q And Dr. McKee was at the jail for the purpose of doing
22 the evaluation?

23 A Correct.

24 Q And it's your testimony that Mr. Means did not cooperate
25 in the investigation?

1 A That's correct.

2 Q Did you have an opportunity to talk to him prior to -- to
3 him -- his refusal to do it?

4 A As in was he -- was he aware -- are you asking if he was
5 aware of -- of what the --

6 Q Well, I -- I'll rephrase --

7 A -- purpose of that was?

8 Q I'll rephrase it. I'll rephrase it this way.

9 When -- you and the doctor are at the jail, correct?
10 And Mr. Means is not cooperative or don't want to do it,
11 correct?

12 A That's correct.

13 Q Okay. Did you have an opportunity at that time to
14 discuss why he wasn't being cooperative?

15 A Well, he -- he stated -- we were both in the room, and he
16 stated to both of us that he didn't agree with the
17 representation of Ms. Price. And so, he didn't want to
18 go forward with the evaluation at that time.

19 Q Okay. Was that -- was that an evaluation based off of
20 your representation with him that you thought he needed
21 to go through with?

22 A So, at the time, the reason why we got this was because
23 we were concerned about competency.

24 Q Okay.

25 A And so, because of the things that he was saying when --

1 when me and Ms. Price had met with him prior to the
2 evaluation being ordered.

3 Q So this expert y'all were getting was not an expert to
4 determine how the PTSD affected him the night of the
5 shooting?

6 A Not -- not that I recall. Again, Ms. -- this was Ms.
7 Price's order --

8 Q Right.

9 A -- and I was assisting her with it. But I believe that
10 the reason why we did this was because of the things that
11 he was saying to us at the time, so I think we were
12 having a competency --

13 Q Right.

14 A -- evaluation.

15 Q So there was never gonna be a -- a case presented to the
16 jury that, hey, this guy was suffering from PTSD and that
17 was the cause -- the reaction was the cause of the PTSD
18 that he shot the guy?

19 A That was not my understanding through assisting Ms. Price
20 with -- with this case.

21 Q Okay. And were you helping Mr. Delaney at any point in
22 this case? Did you assist him, as well?

23 A I was -- so this case got transferred from Ms. Price to
24 Mr. Delaney, and I was transferred with it to assist. I
25 feel like I had a good relationship with Mr. Means. And

1 I think that his relationship with Ms. Price had been
2 deteriorating, and so he -- the case was transferred to
3 Mr. Delaney. And I -- and I continued assisting.

4 Q Well -- okay. Well, let me ask you this: Is -- was
5 there a dispute whether he shot the guy or not? Was
6 there a legitimate case that he did not shoot the guy?

7 A Yes.

8 Q Okay.

9 A That's what our defense was based on; that he was not the
10 shooter.

11 Q Okay. And -- and how were y'all gonna prove that at
12 trial?

13 A Well, it was the State's burden to prove that it was --

14 Q Okay. I --

15 A -- Mr. Means --

16 Q I understand.

17 A -- and -- and we were going to say that they weren't able
18 to place him at the crime with reliable witnesses and
19 with reliable evidence.

20 Q And so -- well, the video in the case, was it clear
21 enough to show Mr. Means doing the shooting?

22 A I think it was clear enough to show that -- who -- that
23 there's a person. You could see who the shooter was --

24 Q Right.

25 A -- if you -- if you watched it. And -- but whether or

1 not it was Mr. Means was what was at issue in this case.

2 Q And so you had -- so y'all believe that y'all at least
3 had an argument that it wasn't him?

4 A Through our discussions and preparation and going to
5 trial, that was -- that was what our defense was. And
6 when we discussed this case with Mr. Means, I mean,
7 that's what he told us.

8 Q And -- and do you -- do you know whether Mr. Means
9 understood that this doctor was not going to be present
10 and testify to help him in mitigation or anything? Did -
11 - did you -- do you know whether he understood that?

12 A For -- for the trial?

13 Q For the trial and/or for a guilty plea in mitigation?

14 A I -- I would assume so because that was -- I mean, that
15 happened months ago, and he didn't cooperate. And when
16 Mr. Delaney went to speak to him, he did not think that
17 there was a competency issue and -- and they were able to
18 discuss their case and defenses. And, you know, I sat in
19 on some of their conversations, as well. And I'm -- I
20 was in agreement that it didn't seem like competency was
21 an issue at that time.

22 Q Okay. And do you know whether y'all had presented any
23 type of self-defense? Was there any issue of self-
24 defense in this?

25 A I don't think we were going forward with a self-defense

1 claim if I recall correctly. I'm sure Mr. Delaney can
2 provide more information since I was assisting him, but I
3 don't believe we were going with self-defense. I think
4 we were simply going with it was somebody else that
5 committed this act.

6 Q It -- were y'all aware at the time that the alleged
7 victim had a knife that was -- had a knife on him? Were
8 you aware of that?

9 A I don't recall being aware of that, no, sir.

10 Q And do you -- did you know whether Mr. Means was a
11 registered gun holder? Did you know anything about that?

12 A No, sir.

13 Q Did y'all discuss that with him at all?

14 A Not that I can recall. I think I remember him having an
15 unlawful carry on his -- conviction on his record, but
16 other than that, we never really discussed his gun
17 ownership rights.

18 Q Okay. So -- so Mr. Means, he was -- okay. He was on
19 board with the -- the case of, "It wasn't him," right?
20 He was on board with all that; is that correct? Is that
21 your testimony?

22 A That -- that was our understanding.

23 Q Okay. Tell me how do you go from there to pleading
24 guilty.

25 A Well, we had picked a jury. And, at that time, the only

1 offer that he had gotten from the solicitor's office was
2 to plead to attempted murder and the murder straight up,
3 and he wanted to take that to a jury, because he didn't
4 want to take that. We picked a jury; there's an issue
5 with one of the jurors that got picked. I think he made
6 some sort of comments about being annoyed that he had to
7 be picked. And there's a conference that was held where
8 the State tried to remove that juror. The juror was not
9 removed by the judge, and, at that point in time, the
10 State offered us voluntary instead of murder. And they
11 offered to reduce the attempted murders down to ABHAN or
12 assault and battery, high and aggravated, and then we
13 discussed that offer with Mr. Means, and he ended up
14 taking that offer.

15 Q Okay. Do you know -- okay. At the time that he accepted
16 the offer, was it his position to continue with the
17 trial?

18 A When he accepted the offer, no. He -- he was willing to
19 take the plea offer that was being given, given that
20 there were reductions in the charges.

21 Q Okay.

22 MR. RICHEY: (To the witness) Thank you. Answer
23 any questions the Attorney General will have for
24 you.

25 THE COURT: All right. Madam A.G.?

1 MS. MARTO: Yes, Your Honor.

2 CROSS-EXAMINATION OF DAN MACDONALD, ESQ.

3 BY MS. MARTO:

4 Q Good afternoon, sir.

5 A Good afternoon.

6 Q So, at first, y'all were concerned about his competency,
7 correct?

8 A That -- that was my understanding, and that was based off
9 of -- I had just been brought in with Ms. Price on this
10 case. And I went -- accompanied her, and he had, kind
11 of, said some things that made us question his competency
12 at the time. And I think that's what prompted the order.

13 Q And then following that, a competency evaluation would --
14 never took place, A, because of his lack of cooperation,
15 and, B, because y'all determined it was no longer
16 necessary; is that correct?

17 A I -- so I think the -- what happened was he didn't
18 cooperate with the initial doctor. And then a short time
19 later, the case was reassigned to Mr. Delaney. And upon
20 Mr. Delaney talking with Mr. Means, I don't believe that
21 he saw competency as an issue in this case. And I had
22 accompanied several of those conversations, and it didn't
23 -- I -- I agreed with that assessment. It didn't appear
24 like there was any competency issues at that time. There
25 may have been more issues with the representation,

1 originally with Ms. Price and Mr. Means.

2 Q And the best you recall was the decision not to go
3 forward with the competency evaluation brought up at the
4 plea hearing?

5 A I believe it was, but I don't remember how -- what -- how
6 much the judge went into that. I don't recall. But it
7 was mentioned. It was -- it went into discussion at the
8 plea hearing.

9 Q And y'all effectively just asserted that from your
10 discussions with him he was competent?

11 A That's correct.

12 Q Okay. And Mr. Means decided to plea because the offer to
13 plea to something other than straight up was not offered
14 until after jury selection; is that correct?

15 A That's correct. That's the first time we ever gotten any
16 sort of offer that included a reduction in charges, and,
17 at that point in time, Mr. Means took a while to consider
18 it but then ended up accepting that offer.

19 Q Do you recall why the plea was chosen over the trial at
20 that point? Was it just because it was more favorable?

21 A Well, it definitely was more favorable, and he knew all
22 the evidence that the State was gonna be putting up
23 against him. And I think once he got a reduced in --
24 reduction in charges, he was more willing to consider it.
25 And then I think he discussed it for a while in the -- in

1 the room next to the -- this courtroom, actually. And I
2 think he ended up deciding he didn't wanna risk going to
3 trial with the potential of getting a life sentence since
4 this was capped at 30 years.

5 Q And again, the defense y'all would've proceeded forward
6 on at trial was that he was not there, and he was not the
7 shooter, correct?

8 A That was in our preparation and in discussions with Mr.
9 Means. That was what -- the defense that we were gonna
10 go forward with, because that's how our discussions with
11 Mr. Means went.

12 Q And so that defense wouldn't have been consistent with
13 asserting that he had PTSD based upon a prior
14 interaction, correct?

15 A Right. Because that would acknowledge that he was the
16 shooter, and all of our conversations with Mr. Means
17 prior to was that he was not the shooter.

18 Q Okay. The same is true if he were to assert a self-
19 defense argument alongside that, correct?

20 A Right.

21 Q Was it your understanding that Mr. Means understood the
22 charges he was facing?

23 A Yes. Yes. He did.

24 Q And did -- was he aware of the rights he was waiving by
25 entering a plea?

1 A I believe so.

2 Q And, again, he decided to plead last minute, because he
3 was offered something more favorable at that time?

4 A I -- I believe that's why. Obviously, he can probably
5 provide more insight with his testimony on why he chose
6 to no longer go forward with the trial. But I believe
7 that that was probably one of the major factors.

8 MS. MARTO: Nothing further, Your Honor.

9 THE COURT: (To Mr. Richey) Redirect?

10 MR. RICHEY: No other questions.

11 THE COURT: All right. (To the witness) Thank you.

12 (WHEREUPON, the witness was excused.)

13 MR. RICHEY: I call Mr. MacDonald.

14 MR. DELANEY: Mr. Delaney?

15 MR. RICHEY: Mr. Delaney. I'm sorry.

16 THE COURT: Mr. Delaney?

17 MR. RICHEY: Mr. Delaney.

18 (WHEREUPON, the witness was sworn.)

19 DIRECT EXAMINATION OF BRENDAN DELANEY, ESQ.

20 BY MR. RICHEY:

21 Q Sir, would you state your name, please?

22 A Brendan Delaney.

23 Q Mr. Delaney, was you -- were you also representing Mr.
24 Means at -- in these charges, as well?

25 A Yes.

1 Q Okay. I'm -- I'm not gonna have you testify to the same
2 thing. But you heard the testimony of Mr. MacDonald,
3 correct?

4 A Yes.

5 Q And -- and in terms of the strategy that y'all were gonna
6 use, is that -- was that a proper representation?

7 A Yes.

8 Q And was it a proper representation, his testimony, about
9 this mental evaluation?

10 A Yes.

11 Q Okay. You are familiar with that motion, correct?

12 A Yes.

13 Q And at the time that Mr. MacDonald discussed the
14 cooperation with the expert, were you -- you were not
15 representing him at the time; is that correct?

16 A That's correct.

17 Q And so when you came to represent him, did y'all have any
18 discussions about that?

19 A In a review of the file to get up to speed because,
20 obviously, this case had been going on for a little while
21 before I was involved, I did -- excuse me -- I did come
22 across this order regarding the funding for the
23 psychological evaluation. And I believe I went to Mr.
24 MacDonald and asked him about it. I was like, "Did y'all
25 get funding for an evaluation?"

1 He's like, "Yeah. We actually got that, and we went
2 over there and met with him. And then Mr. Means did not
3 cooperate with the evaluator."

4 And so, I had met with Mr. Means a couple of times,
5 I think, at that point, and I had never had any reason to
6 doubt his mental competency, so this caught me off guard
7 a little bit. But then once I got kind of brought up to
8 speed, I felt like it was an issue that had been
9 addressed. It has now been resolved. I didn't see any
10 additional need for any future evaluations. I didn't
11 have any questions about Mr. Means's competency. So we
12 went forward with our defense of Mr. Means, and that was
13 basically he wasn't the shooter.

14 Q So the whole -- this whole case was just he -- it wasn't
15 him? Okay. Now, there was a video in the case; is that
16 correct?

17 A Yeah. I'm going to explain that just a little bit,
18 because I think it kind of helps to understand the
19 metamorphosis, kind of, and the evolution of getting to
20 the point to where, ultimately, you plead guilty. When
21 we started off -- and the defense, again, was, it wasn't
22 me. I was not the shooter. In Gravy's Grill, they had a
23 pretty decent security camera.

24 Q Hold on. "Gravy's Grill." What is that?

25 A That's the incident where this person was shot.

1 Q Okay. Go ahead.

2 A The crime location.

3 Q Okay.

4 A There was six or eight different security cameras in that
5 bar, and the -- the footage was grainy, I would describe
6 it. And so, if you wanted to watch Security Camera
7 Number 1, I think it might've been an hour and 45 minutes
8 long. But it's in one singular location in the bar, and
9 Mr. Means might not be on that camera but for two
10 minutes. But then there's other areas of the bar, and he
11 might be on, say, Security Camera Number 7, where he's on
12 there for like 30 minutes straight, but it's these
13 chopped-up grainy videos. And there's somebody in there
14 in a black Chicago Bulls jersey with red trim that
15 clearly goes up and shoots an individual on the back of
16 the head, and they immediately fall over and die. And
17 that's all in this grainy footage. Where I was -- I
18 don't know if "confident" is the right word, but I was
19 not uncomfortable going forward with, okay. Mr. Means, I
20 look at you. I look at this person in the black Bulls
21 jersey that's doing the shooting. I can't match y'all's
22 faces up. It's too grainy.

23 Okay. Fast forward about six months. The
24 solicitor's office has now sent these grainy, eight
25 videos off to an audio video specialist. They've

1 synchronized everything, cleaned up the footage, and, all
2 of a sudden, my comfortability level with denying the
3 identity of that shooter has decreased immensely. But I
4 continued to represent Mr. Means under the theory that
5 that is not him. He did not do the shooting. He wants a
6 trial, and we went forward.

7 Q When you say "immensely," do you mean that he's more
8 recognizable on the video?

9 A The person in the black Bulls jersey that shot that other
10 person in the back of the face was much more recognizable
11 in the cleaned-up video.

12 Q And did you discuss that with him?

13 A Yes.

14 Q And there was no discussion of bringing a defense about
15 his PTSD affecting him?

16 A No. Because, again, during my entire representation of
17 Mr. Means, again, after the case was reassigned to me, he
18 never wavered from, "That was not me. I was not the
19 shooter."

20 Q Okay.

21 MR. RICHEY: (To the Court) No other questions.

22 (To the witness) Answer the questions the
23 Attorney General will have.

24 THE COURT: All right.

25 CROSS-EXAMINATION OF BRENDAN DELANEY, ESQ.

1 BY MS. MARTO:

2 Q Good afternoon, sir.

3 A Good afternoon.

4 Q So, again, you had no question when it came to his
5 competency from the beginning, correct?

6 A Correct. He was very capable of assisting me in his
7 defense.

8 Q Okay. You made that known to the plea judge at the call
9 to plea, correct?

10 A Yes. And, again, we had not received any offers. Again,
11 I've been doing this lawyer thing for a little bit, but I
12 think back about this case -- and I'm not gonna say the
13 general -- the juror's name that this became an issue,
14 but it was some of my finest lawyering quite frankly, to
15 be able to use that juror issue, and I made it known real
16 clear to the solicitor's office, and it was the only
17 thing we had to hang our hat on.

18 I let them know in no uncertain terms that if that
19 juror got excused or if they continued to try to excuse
20 that juror -- because you and I both, Mr. Means, agreed
21 that we wanted that juror on there -- but the solicitor's
22 office was trying to get him thrown off the jury. And I
23 fought tooth and nail to -- to make sure that didn't
24 happen. And I told them that if it does happen, the
25 first thing I'm gonna do after this trial is over, is I'm

1 gonna immediately file a motion of appeal with the South
2 Carolina Appellate Courts to ensure that that juror issue
3 is brought up on appeal, because I felt like whatever
4 that jury did, if they found you guilty of murder and we
5 had that juror issue, it was gonna come back down. And,
6 at that point, that was the only reason I was able to get
7 it reduced from murder to voluntary manslaughter. And
8 not only did they reduce it, he got sentenced a -- to a
9 range of between 20 and 30 years. He wasn't getting --
10 he wasn't automatically getting 30; we got to argue from
11 20 years. So we -- in the blink of a hat, we went from
12 serious life without parole problems to -- to a range of
13 20 to 30 on a voluntary. And to his credit, he took that
14 deal, because that was the first time we had ever gotten
15 one.

16 Q It was that reduction that caused this to be, I guess,
17 transferred from being a trial to a plea, correct?

18 A Yes. And the judge -- we made some arguments in
19 mitigation. Mr. Means addressed the judge in mitigation.
20 And so, the judge was deciding where to sentence him in
21 between 20 and 30 years, and she landed on 27, which gets
22 Mr. Means out of the Department of Corrections with a lot
23 of life left to live.

24 Q It was your understanding Mr. Means understood the
25 charges, correct?

1 A Yes.

2 Q And he understood the rights he was waiving by pleading?

3 A Yes.

4 Q And it was Mr. Means's decision to plead?

5 A Yes. After many, many discussions about the pros and
6 cons of the deal versus a trial. It was a -- you know,
7 his life was on the line. I get it.

8 MS. MARTO: (To the Court) No further questions.

9 THE COURT: All right. (To the witness) Thank you,
10 sir.

11 MR. RICHEY: Call Mr. Means.

12 THE COURT: All right. Thank you, Mr. Delaney. You
13 can step down.

14 (WHEREUPON, the witness was excused.)

15 THE COURT: Mr. Means?

16 (WHEREUPON, the Applicant was sworn in.)

17 **DIRECT EXAMINATION OF DANIEL MEANS**

18 BY MR. RICHEY:

19 Q Sir --

20 THE COURT: (To the Applicant) Sir -- (To Mr.
21 Richey) Hang on minute.

22 MR. RICHEY: Okay.

23 THE COURT: (To the applicant) If you're
24 comfortable lowering your face mask, you can do so.

25 THE APPLICANT: Yes, sir.

1 THE COURT: We need to make a good record. Thank
2 you, sir.

3 THE APPLICANT: All right.

4 **DIRECT EXAMINATION OF DANIEL MEANS CONTINUES**

5 BY MR. RICHEY:

6 Q Sir, would you state your name, please?

7 A Daniel S. Means.

8 Q And, Mr. Means, are you currently in the Department of
9 Corrections?

10 A Yes, sir. I am.

11 Q And -- and are you there on voluntary manslaughter and
12 ABHAN firearm?

13 A Yes, sir.

14 Q Okay. And who represented you at trial on the guilty
15 plea?

16 A Mr. Delaney and Mr. MacDonald.

17 Q You gotta speak up. You gotta speak up so . . .

18 A Mr. Delaney and Mr. MacDonald.

19 Q Okay. And was Ms. Price also involved in your case?

20 A Yes, sir.

21 Q And she's from the Public Defender's Office, as well; is
22 that correct?

23 A Yes, sir.

24 Q Okay. Did you have a trial, or did you plead guilty?

25 A (No response.)

1 Q You pled guilty after picking a jury; is that correct?

2 A Sir?

3 Q You pled guilty, right?

4 A Yes, sir.

5 Q Okay. All right. And you've heard testimony. Was it

6 your defense the whole time that you were not present?

7 Was that your defense?

8 A No, sir. That was not the defense the whole time, sir.

9 Q Okay. What -- at some point, was -- that was the

10 defense, "I wasn't there," correct?

11 A At one point in time, we spoke about this, but,

12 immediately, I -- I did tell Mr. MacDonald that I wanted

13 to plead maybe either insanity or self-defense.

14 Q Okay. And when did you tell them that?

15 A This was right after when Mrs. -- this is right after

16 Mrs. Price was removed from my case.

17 Q So you told them, "I want insanity or self-defense,"

18 correct?

19 A Yes, sir.

20 Q And -- and that was because that gentleman had -- had

21 shot you prior to that, correct?

22 A Yes, sir.

23 Q And -- and where did he shoot you?

24 A He shotted (as spoken) me two times. I was bent over

25 like this (indicates), and I got hit in the top of my

1 shoulder, once.

2 Q Okay.

3 A The bullet was in my chest for about three years.

4 Q And -- and that was prior to this incident at
5 the -- at the bar, correct?

6 A Yes, sir.

7 Q Okay. And you talked to your lawyers. They knew about
8 all that, correct?

9 A Yes, sir.

10 Q Okay.

11 A Mr. MacDonald spoke with my grandmother and mom. And mom
12 several times. I remember him telling me that my
13 grandmother told him that the guy had stripped me down of
14 my clothes one day after seeing me with a gun.

15 Q Okay.

16 A And -- and he came and spoke to me about that. They told
17 him that I had a -- a shotgun registered to my name.
18 They told him that I had weapons registered to my name.

19 Q Okay. And so -- so at what point did the -- the defense
20 change, and then you went to the insanity, PTSD defense,
21 correct?

22 A Well, this was actually before whenever they spoke about
23 the mental health evaluation --

24 Q Yeah.

25 A -- I -- I did not -- he said I did not cooperate. I

1 wanted to have the --

2 Q Well, let me -- let me pass this up to you
3 before -- you -- you -- you've seen this -- this order
4 for funding -- motion order for funding, correct?

5 A Yes, sir.

6 Q It's Applicant Exhibit 1. So you've seen that where they
7 requested this fund for this doctor, right?

8 A Yes, sir.

9 Q Now, you heard the testimony here, by Mr. MacDonald, that
10 they went to the jail, the doctor and him, and you did
11 not want to cooperate with that; is -- is that correct?

12 A That is totally incorrect.

13 Q Okay. What -- do you recall him and the doctor coming to
14 the jail?

15 A Yes, sir. I do.

16 Q And when they got there, what happened?

17 A I -- before we had actually started, I didn't know what
18 it was for. So I asked the doctor, you know, "Why are we
19 doing this?"

20 He said that what he -- what -- he's gonna ask me a
21 few questions. He said that whatever he learns from it,
22 he will present it to the judge. And he says that it
23 could possibly help me.

24 And I said, "Well, my mom told me that I should do
25 this. But I don't know what all of this means." So I

1 just went and -- saying that, "Well, you know, sir, I
2 just hope that my lawyer" -- I was just talking,
3 basically, to myself. Saying that, "I just hope my other
4 lawyer, Ms. -- Ms. Price, will really try to help me. I
5 don't think she's really trying to help me."

6 Q Okay.

7 A And as soon as that came out of my mouth, the -- the
8 doctor said, "We cannot do this evaluation today." He
9 stopped it.

10 And I said, "Why not?"

11 He said, "Because you have to resolve the issues
12 with your lawyer, Ms. Price. After you have resolved
13 those issues, then I will come back during April or May,
14 and we can do the evaluation." So we did not have it.

15 So Mr. MacDonald -- I -- I asked him, after Ms. --
16 Ms. Price was off of my case, I asked him specifically.
17 God as my witness, the angels are my witness, I asked
18 him, "Sir, are we gonna go -- go ahead with the
19 evaluation?"

20 He said, "No. We're not gonna do that." He says,
21 "My -- my job is to choose the defense, and we're going
22 with you were not the person who shot this man." He
23 said, "Your job is to choose whether or not you are gonna
24 get on the stand." This is the God honest truth.

25 Q Okay. So when you're at the jail and you've got Mr.

1 MacDonald there, correct?

2 A Yes, sir.

3 Q And you got the expert there or the doctor, right?

4 A Yes, sir.

5 Q And -- and you say -- and you're talking to the doctor,
6 did you ever, at any point, say, "Hold on. Mr.
7 MacDonald. What's going on?" Did you ever talk to him
8 about it?

9 A No, sir. I was talking to the doctor the entire time.

10 Q Okay.

11 A He was there, but -- he -- he was there, but I was just
12 talking.

13 Q Okay. So you didn't say a whole -- did you say at any
14 point -- well, let me ask you this: At any point while
15 that doctor was there, did you talk to Mr. MacDonald?

16 A No, sir. I didn't say anything to him.

17 Q Okay. All right. This evaluation wasn't done, correct?

18 A Yes, sir.

19 Q Correct?

20 A Yes, sir. That's -- that's correct.

21 Q Okay. And the day you showed up for trial, what did you
22 think the defense was going to be?

23 A I did not know what the defense was gonna be. All I knew
24 -- all I knew was they kept telling me that we are gonna
25 say it was not you.

1 And I asked them, "Well, what are we gonna do?" And
2 when -- and whenever they saying that I plead guilty
3 because of what the prosecutor came with, that's totally
4 false.

5 They came back to me after they asked me, "Do you
6 wanna plead to 30 years, voluntary manslaughter?" This
7 was -- the -- the plea as charged was over with in 2020.
8 The -- the plea as charged, murder -- attempted murder,
9 it could have not been murder, because there was proof
10 showing that I wanted to leave this place before I did
11 anything. There was proof showing that I asked to leave.
12 The witnesses said that I asked to leave. My gun was
13 registered to me. This was proof. So then -- so my --
14 my judge -- I mean, the -- the -- my lawyer said, "Take
15 this 30 years, voluntary manslaughter."

16 I said, "No. I'm not taking that."

17 They came back to me. They said, "Well, we're gonna
18 prepare for trial."

19 I said, "Well, what are we gonna do?"

20 They said, "We're fully prepared." This came out of
21 Mr. Delaney's mouth. Mr. Delaney said, "We are fully
22 prepared for this trial."

23 When he left, they came back ten minutes later, and
24 said, "We cannot believe this. The judge has said she
25 will give you 20 to 30." They said "the judge." They

1 said -- we said -- so the words came out Mr. Delaney's
2 mouth. He says, "So the prosecutor has to agree with us.
3 The prosecutor is not giving you this." He said, "The
4 judge is giving you this."

5 Q Uh-huh.

6 A So they kept talking to me, talking to me. I said,
7 "I don't know. I don't know. I don't know. I don't
8 know." And Mr. Delaney started to scream at me in the
9 room telling me that I need to, "Dadgum take this -- take
10 this plea." But I did not understand nothing at the
11 time.

12 As I told you, I -- I was on my medicine. It also
13 is in my transcript. It's in my medical records. And I
14 was just under a lot of pressure, sir. And I did not
15 know what I was doing. And I did not understand nothing
16 about what was going on, because I know for a fact that
17 had I went to trial with the right lawyers, with the
18 right defense, I would not be sitting in prison right
19 now. Not for this amount of time.

20 Q Okay. See, here's -- here's what I'm trying to
21 understand. Here's what I'm trying to understand. And I
22 want you to clear this up for me. Your lawyer testified
23 that when y'all walked in that trial that day, the
24 defense was gonna be, "You're not there," right? That's
25 the -- that's what they testified?

1 A Yes, sir. That's what they said.

2 Q So you're testifying today that you were not aware of
3 that defense, or you were expecting some other defense?

4 A I was expecting something different. But as far as -- as
5 far as me choosing a defense, Mr. MacDonald let me know
6 clear as day I did not have no say-so in that.

7 Q That the -- here's the next question: You said you were
8 "expecting something different." What was that?

9 A I was expecting to go in at least with a insanity plea or
10 a self-defense.

11 Q The insanity plea or a self-defense?

12 A Yes, sir.

13 Q And can you tell that the value -- at the time that you
14 went to trial, you were aware that the evaluation had not
15 been done, correct?

16 A Yes, sir. I -- I was aware.

17 Q And -- and, at any point, did you talk to these lawyers
18 and say, "This insanity defense -- I don't even have a --
19 a doctor evaluate me." What -- I mean --

20 A Yes, sir. I did. When I spoke to Mr. Delaney and I told
21 him, I said, "Well, Mr. Delaney, we never even had the
22 evaluation." This was the same date that -- that Ms. --
23 Mrs. Knie came with the 20 to 30.

24 He says, "Well, this is what we're gonna do." He
25 said, "You go ahead and just take this plea. Then I will

1 get someone to speak on your behalf who will speak on
2 what -- things that you went through with being shot by
3 this guy." And he said that, "And we will hope that she
4 will take this into consideration and show you mercy."
5 This is what I was told.

6 Q Okay. Did you discuss the insanity defense with your
7 lawyers?

8 A I've -- I discussed this with Mr. MacDonald.

9 Q You did?

10 A Yes, sir.

11 Q Did they tell you -- did they tell you what you had to
12 prove to prove the -- an insanity defense?

13 A They didn't go too deep into it. Mr. MacDonald just told
14 me, he said that, "If you say that, then you're saying
15 that you committed this crime." This is --

16 Q Right.

17- A -- this is what he said -- so he said -- he told me that
18 -- he said, "So" -- he said, "So the defense is not up to
19 you. Your -- your choice is to choose whether or not
20 you're gonna get on the stand. And we're gonna go with
21 you did not do this."

22 Q Okay. Okay. So, at the time that this plea happened,
23 were y'all -- it -- it sounds like you were -- y'all were
24 not on the same page on this thing, right?

25 A Yes, sir. From my -- from what I understand now, sir,

1 the truth is is that my lawyers were not prepared for a
2 trial. Their -- I -- from my understanding, their hope
3 was to get me to just plead guilty to be done with it
4 because had I had someone dedicated to really help me, we
5 had -- we would have went to trial, sir, because there's
6 proof showing that murder was not in my heart when it
7 came to this man.

8 Q Okay. When you said "trial," do you believe if they had
9 presented a defense -- that defense for this PTSD, right?

10 A Yes, sir.

11 Q That -- that a jury would've acquitted you because they
12 would've said you were not liable for the murder because
13 you have PTSD?

14 A And -- yes, sir. And other facts.

15 Q And other facts like what? Like you had a lawful gun,
16 right?

17 A Yes, sir. I was a victim to this man.

18 Q You were a victim two years ago?

19 A Yes, sir.

20 Q You have PTSD.

21 A I tried to go home. Show them proof.

22 Q Okay. I'm gonna get to them in just a second, okay?

23 A Yes, sir.

24 Q You believe you would've been found not guilty -- and I'm
25 gonna start over. I'm sorry. Because you had a lawful

1 registered gun on you, right?

2 A Yes, sir.

3 Q You got to the nightclub that night, and you actually
4 wanted to leave, but the guy who was driving you would
5 not take you home or take you away from the bar, correct?

6 A Yes, sir.

7 Q And you have PTSD --

8 A Yes, sir.

9 Q -- right?

10 A Yes, sir.

11 Q Combined with the PTSD --

12 THE COURT REPORTER: I -- I couldn't hear that.

13 Q -- and the gentleman not taking you home, you believe
14 that that's what in fact caused this gentleman to be
15 killed, correct?

16 A Yes, sir. And, actually, sir, if my lawyers had did
17 enough research, they would've seen that two weeks prior
18 to this case happening in that club, there was a stabbing
19 that happened in that same club. Someone was stabbed and
20 almost lost their life. So finding out that after the
21 fact that this same guy who already tried to kill me had
22 a knife on him, I'm acting off of my reaction, sir. I
23 was afraid.

24 Q Okay. So you're saying you found out he had a knife
25 after the fact?

1 A Yes, sir.

2 Q Okay. All right. So -- so this -- so it just sounds
3 like you were expecting one thing, and they were doing
4 another thing, correct?

5 A Exactly.

6 Q And you think that, it's your position, had they did the
7 investigation I just outlined to you, the outcome
8 would've been different?

9 A Yes, sir.

10 Q Did they ever come back to you about this evaluation and
11 say, "Hey, let's go do it now"?

12 A No, sir.

13 Q Did you ever have any understanding, after, what this
14 evaluation was for?

15 A No, sir.

16 Q So -- so after it was done, it was done, right?

17 A I didn't know -- I didn't -- like, I asked the doctor --

18 Q Right.

19 A -- "What" --

20 Q Okay.

21 A -- "what is the -- what's the" --

22 Q And --

23 A -- "reason for it?"

24 Q And you didn't know at the time if you wanted an -- an
25 insanity defense? That's like bare minimum what you

1 needed, correct? You didn't know that? Or did you know
2 it?

3 A I -- I don't understand what you're asking me.

4 Q Okay. The question is: At the time you went to -- to --
5 was going to trial --

6 A Yes, sir.

7 Q -- and -- and you wanted to pursue some type of insanity
8 defense, correct?

9 A Uh-huh.

10 Q That was one of the things, right?

11 A Yes, sir.

12 Q Okay. Did you understand that that evaluation that you
13 were supposed to get, that's not even close to enough to
14 help you prove insanity? You understand that? Did you
15 understand it at the time?

16 A Are you saying that --

17 Q I'm saying without an expert testimony from a mental
18 health provider --

19 A Oh.

20 Q -- you could not even bring an insanity defense. Did you
21 understand that?

22 A Okay. No, sir. I didn't know.

23 Q And you still want to pursue it?

24 A I -- I didn't -- I'm confused, sir.

25 Q No. No. I'm just -- no. Okay. You wanted an insanity

1 defense, correct?

2 A Yes, sir.

3 Q Okay. And you understand that you just can't go to the
4 courtroom, sit on that testimony (as spoken) and say, I'm
5 insane, correct? You know that? That you had to have
6 some proof that you are that, correct?

7 A Okay. So you're saying I had to have this to have that
8 defense?

9 Q Yes.

10 A All right. Yes, sir.

11 Q Did you discuss that with your lawyers?

12 A No, sir. After -- after I asked him, he told me that we
13 weren't gonna have the defense and that -- and that we
14 weren't gonna have the evaluation.

15 I -- I didn't know what else to do. I was just trying
16 to trust my lawyers. I didn't -- I didn't know what else
17 to do.

18 Q So, at that point, you just pled, because you thought,
19 "I'm kind of -- I don't have another choice"?

20 A I -- I didn't know what to do, sir.

21 Q Okay. All right. Thank you.

22 MR. RICHEY: (To the Applicant) Answer any
23 questions the Attorney General will have for you.

24 THE COURT: All right. Madam A.G.

25 MS. MARTO: Yes, Your Honor.

1 CROSS-EXAMINATION OF DANIEL MEANS, ESQ.

2 BY MS. MARTO:

3 Q Good afternoon, sir.

4 A Hey. How you doing, ma'am?

5 Q Good. Okay. So you're stating that Counsels let you
6 know at trial that they were basically gonna tell the
7 jury that you weren't there; it was somebody else, right?

8 A Yeah. They told me that we were gonna -- they said that
9 -- they said that -- Mr. Delaney -- I mean, Mr. MacDonald
10 told me that they (verbatim) had asked him about the
11 defense. He said that, "We're gonna go with it's not
12 you."

13 Q And did they say that they thought that was the best
14 defense?

15 A No. They didn't say that they thought it was the best
16 defense. I believe that they didn't -- I believe that
17 they really didn't have a defense. I believe they wanted
18 me to plead guilty. And they wanted to just go ahead and
19 be done with me, because they do have a lot of cases to
20 work with.

21 Q Okay. But you were going to trial earlier that day,
22 correct?

23 A Yes.

24 Q You had picked a jury. You had gone through pretrial
25 motions, everything, right?

1 A Uh-huh.

2 Q And you didn't decide to plead until they offered you
3 voluntary, which was down from murder, right?

4 A Well, they offered me voluntary the day -- they offered
5 me voluntary the same day I picked a jury, and they said,
6 "Thirty years." So the same day -- the next day, Mr.
7 Delaney told me that, "If you don't take this 30 years
8 tomorrow, we're gonna have the trial."

9 When I came back the next day, I said, "Well, I'm
10 not taking it." So then that's when they left.

11 They said, "We will prepare for trial." And they
12 came back and said that Mrs. Knie said that she would
13 make it an open plea. And -- and then that's when they
14 kept telling me, you know, that -- that they wanted me to
15 take this; they wanted me to take this. And then when
16 Mr. Delaney said -- well, I asked him about the
17 evaluation. And he said, "Well, what we're gonna do,
18 we're gonna have someone speak on your behalf to Ms. --
19 Mrs. Knie, and maybe she will show you mercy because of
20 what happened to you."

21 And I said, "Well" -- I said, "Well, I
22 guess -- I guess so."

23 Q So they effectively told you if you pled, you'd get a lot
24 less time than if you went to trial?

25 A They told me that -- basically, they told me that they

1 wanted me to plead guilty. They did not tell me that had
2 I went to trial, I could have -- I could have -- had a
3 lot less time than I have now. They did not tell me
4 that.

5 Q Did they tell you that if you went to trial, you'd be
6 looking at between 30 years or life in prison?

7 A That was the first plea from the beginning. I -- I knew
8 that part. But I also knew that -- that there was no way
9 they could've proved murder. They could've not proved
10 that I murdered this man. That I hadn't -- that this was
11 coincidental. I did not know he was gonna be there. I
12 had proof showing I wanted to leave. This was all
13 coincidental. This was by the will of God. So when I
14 tried to leave, I could not. So how does a victim feel
15 when he sees someone who tried to take his life? How
16 does a woman feel when she sees someone who try -- who
17 harms her? How do they feel? I never picked up a gun in
18 my life, ma'am. This is my -- how -- I had proof showing
19 that. I had a gun registered to me. I only picked up a
20 gun because I wanted to protect myself. I didn't wanna
21 hurt this man. And I showed proof showing that I wanted
22 to leave. I wanted to leave, ma'am. I didn't wanna kill
23 him.

24 Q And you admit that you killed him, right?

25 A Of course I did, to save my own life.

1 Q And are you stating that you could've been found not
2 guilty by way of insanity because of your PTSD alone?

3 A I feel like -- honestly, ma'am, I don't understand a lot
4 about this law. So -- so I could be easily taken
5 advantage of when it comes to you guys because you're
6 experts at this. So I just only could explain it to you
7 in the best way that I can. And what I'm saying is,
8 ma'am, that I feel that having -- if I knew about the law
9 and the power that jurors would have in this situation,
10 understanding my situation, that I was never the first
11 aggressor, I know for a fact that I would've had a total
12 different outcome. Had I had the evaluation, had my
13 lawyers had the proper defense, had we went -- the jury
14 would've -- I know for a fact, the jury would have not
15 convicted me of murder, ma'am. I would --

16 Q You thought the jury would've taken mercy on you? Is
17 that essentially what you were relying on?

18 A A hundred percent. A hundred percent, yes. Because I
19 have been a upstanding citizen. I do not have a record.
20 This is my first time in prison. This is -- this whole
21 situation is because of something that happened to me.
22 And when I tried to walk away from it, I was not able to.

23 Q So you felt that it -- just if you told your story, the
24 jury would've voted to acquit?

25 A A hundred percent correct. My hand is forced. It's like

1 -- it's like if you push a dog into a corner, it's gonna
2 bite. It maybe not want to, but it's gonna bite.

3 Q And the incident with the victim where he shot you, that
4 happened about two years prior, right?

5 A About two years and some change.

6 Q And, again, it's your testimony that you decided to plea
7 ultimately because you were under a lot of pressure?

8 A That is a hundred percent correct. I did not know what
9 to do.

10 Q But your counsels told you that the plea would've been a
11 better option for you than the trial, correct?

12 A Honestly, God-honest truth, that never came out of their
13 mouth. What they told me was is that -- he told me -- he
14 just told me that I should do this. And he promised me
15 that by me having a -- I don't know who he was gonna
16 bring up, but someone was gonna speak on my behalf about
17 my mind frame at the time of the crime. And he said that
18 that would -- he -- he -- we would hope that that would
19 help me, but that never happened. And the proof of that
20 is in the -- the transcript where he told the judge that
21 he said that.

22 MS. MARTO: Nothing further, Your Honor.

23 THE COURT: (To Mr. Richey) Any redirect?

24 MR. RICHEY: No other questions.

25 THE COURT: All right. (To the Applicant) Thank

1 you, sir. You can step down.

2 (To Mr. Richey) Call your next witness.

3 MR. RICHEY: That's all. Can we approach for one
4 second, Your Honor?

5 THE COURT: Yeah. The State have anything?

6 MS. MARTO: No witnesses, Your Honor.

7 THE COURT: Okay. Come on up.

8 MR. RICHEY: Thank you.

9 (WHEREUPON, a bench conference was held.)

10 THE COURT: All right. (To the State) So nothing
11 in reply?

12 MS. MARTO: Nothing, Your Honor.

13 THE COURT: All right. Thank you. All right.

14 Well, let me do this. I'm gonna take the matter
15 under advisement. Mr. Means, I've got this
16 transcript right here I need to look at. I want to
17 read it and digest it and think about it before I
18 rule on your case. I anticipate issuing a decision
19 towards the end of the week.

20 I will, of course, let your lawyer know. He's
21 scheduled to appear in front of me again, Thursday,
22 I believe, on some matters. And I should have a
23 decision by then. I'm an out-of-town judge, driving
24 back and forth. So as soon as I've made a decision,
25 if I make it by the end of the week, I will let your

1 lawyer know and he can get in touch with you and let
2 you know, okay, sir?

3 THE APPLICANT: Yes, sir.

4 THE COURT: All right. Thank you. This
5 matter is under advisement.

6 MR. RICHEY: Thank you, Your Honor.

7 THE COURT: Thank you very much. Y'all have a great
8 day.

9 (Whereupon, the within hearing was
10 concluded at 12:43 p.m.)

11 (*This transcript may contain quoted material.
12 Such material is reproduced as read or quoted by the
13 speaker.)

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

CERTIFICATE

I, Amber Payne, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina on October 17th, 2022.

I do further certify that I am neither of kin, counsel, nor interest to any party herein.



Amber J. Payne, CVR

Date: June 4, 2023

Notary public for South Carolina

My commission expires August 12, 2029

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

The State of South Carolina

vs.

Daniel Means,

Defendant.

IN THE COURT OF GENERAL SESSIONS
SEVENTH JUDICIAL CIRCUIT

Warrant Nos. 2018A4210204306-9

FILED UNDER SEALEX PARTE MOTION
FOR FUNDING FOR
PSYCHOLOGICAL EVALUATION

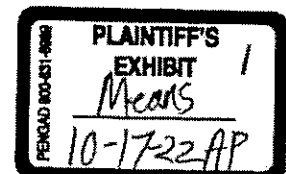
The Defendant, Daniel Means, hereby submits to this Court an ex parte motion for funds for a psychological evaluation. The State has charged the Defendant with Murder, Attempted Murder, and Possession of a Weapon During a Violent Crime. The Defendant believes that he requires this evaluation in order that counsel may adequately prepare for his defense.

The need for this expert is based on the following:

1. Daniel Means is indigent. The State has charged Defendant with Murder Attempted Murder, and Possession of a Weapon During a Violent Crime.
2. The undersigned applicant was appointed to represent the Defendant in this matter.
3. Section 17-3-50(C), Code of Laws of South Carolina (1976)(Supl.) [hereinafter referred to as "S.C. Code"], authorizes the expenditure of funds for services for indigent defendants in excess of \$500.00 if such funds are reasonable and necessary.
4. Section 17-3-50(B), S.C. Code, authorizes the Court to review requests for expert services ex parte.
5. The allegations in this case are that the Defendant entered a club and shot into a crowd, killing one and injuring two others. The deceased was charged previously with Attempted Murder, with Mr. Means as the victim. Mr. Means now contends that he suffers from PTSD as a

*He was represented
by the same office.
Conflict of interest*

KKK



result of that assault, which affected his rationalization on the night of the shooting which resulted in these charges.

6. The undersigned believes that it is necessary to acquire a psychologist to evaluate the Defendant for purposes of preparing for Defendant's trial..

7. The undersigned has been informed that Dr. Geoffrey McKee, is available and willing to evaluated Defendant. Dr. McKee is experienced in psychological assessments and evaluations for purposes of trial. It is expected, at this time, that the cost of the evaluation and preparing a report will not exceed \$1,500.00.

8. The undersigned therefore moves for an ex parte order authorizing the expenditure of funds in the amount of \$1,500.00 to retain the services of Dr. Geoffrey McKee to evaluate the Defendant for purposes of trial.



Andrea Price
Seventh Judicial Circuit Public Defender
Attorney for the Defendant
366 North Church Street, Suite 3000
Spartanburg, South Carolina 29303
(864) 596-2561

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CLERK OF COURT
SPARTANBURG COUNTY
ALYCE COX

January 6th, 2020

Spartanburg, South Carolina

RKK

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

IN THE COURT OF COMMON PLEAS
FOR THE SEVENTH JUDICIAL CIRCUIT

Daniel Means, #385451.)
Applicant,)

Case No.: 2022-CP-42-01186

v.)

ORDER OF DISMISSAL

State of South Carolina,)
Respondent.)

This matter comes before this Court by way of Applicant's post-conviction relief application filed April 1, 2022. Respondent made its return on August 8, 2022, requesting an evidentiary hearing be convened. An evidentiary hearing was held on October 17, 2022, at the Spartanburg County Courthouse. Rodney Richey, Esquire, represented Applicant. Assistant Attorney General Chelsey Marto represented Respondent.

Applicant testified on his own behalf at the evidentiary hearing. Counsels Brendan Delaney and Daniel MacDonald, IV, Esquires, also testified. After reviewing all records and evidence before this Court, this Court finds Applicant cannot meet his requisite burden of proof of establishing he is entitled to post-conviction relief and denies and dismisses this application with prejudice. Findings of fact and conclusions of law are set forth below.

Procedural History

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Spartanburg County Clerk of Court. During its February 2019 term, the Spartanburg County Grand Jury indicted Applicant for murder (count one) and possession of a firearm during commission of a violent crime (count two) (2019-GS-42-00917) and attempted murder (two counts) (2019-GS-42-00918). Applicant was represented by Brendan Delaney and Daniel MacDonald, IV, Esquires. Then-Deputy Solicitor Derrick Balsa, Esquire, of

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the Seventh Circuit Solicitor's Office prosecuted the case.

On May 24-25, 2021, and after jury qualifications, jury selection, and pre-trial motions, Applicant appeared before the Honorable Grace Gilchrist Knie, circuit court judge, and pled guilty to the lesser-included offenses of voluntary manslaughter and to a range of twenty to thirty years' imprisonment, to the lesser included offenses of assault and battery of a high and aggravated nature to range of zero to twenty years' imprisonment, and as indicted on the weapons possession charge. Knie sentenced Applicant to twenty-seven years' imprisonment for voluntary, twenty years' imprisonment of each ABHAN count, and five years' imprisonment on the weapons possession charge, sentences running concurrently. Applicant did not pursue a direct appeal.

Summary of Relevant Facts

Applicant entered a restaurant that was well equipped with video surveillance. (Tr. 138-39). Applicant was patted down and found to be without a weapon. (Tr. 139). He arrived with a couple other individuals claiming they had no awareness of Applicant's plan. (Tr. 139).

In June 2016, the victim attempted to rob Applicant and shot him in the process and served prison time. (Tr. 140). Sometime after being released, he went to the club with some friends. (Tr. 142). Applicant went to the club and arranged to obtain a gun. (Tr. 142). Applicant obtained the gun and shot and killed Young with it. (Tr. 142). Two other individuals were shot in this incident: one in the head and one in the side. (Tr. 142-43). Seven total shots were fired. (Tr. 143).

Current Action Before this Court

In his current PCR application, Applicant alleges he is being held in custody unlawfully because of ineffective assistance of counsel in that:

1. Ineffective Assistance of Counsel.
 - a. Failure to make a motion for a *Blair* hearing.

2. Involuntary and Invalid Guilty Plea.
 - a. The State withheld discovery and/or records and if Counsel properly had brought the discrepancy to the Court's attention, Applicant would not have conflicted deprivations.
 - i. The jury would have understood prior action between Applicant and the decedent, and fully acknowledge the facts.
3. Due Process Violation and Injury.
 - a. The Due Process requires the interest of justice, with procedural requirements.
 - b. Applicant suffered procedural defaults on substantial claims.

At the PCR hearing, Applicant proceeded forward on the following allegations:

1. Ineffective assistance of counsel.
 - a. Failure to secure mental health/competency evaluation.
 - b. Failure to argue the defense of self-defense or insanity.
 - c. Failure to bring up Applicant's mental health issues in mitigation.
 - d. Failure to effectively communicate.
2. Invalid plea.

All other allegations raised in his initial application and amendments are deemed waived and abandoned and, accordingly, will not be addressed in this order.

Summary of the Testimony

Counsel MacDonald Testimony

Counsel MacDonald testified that he was second chair counsel in Applicant's underlying criminal matter. He stated that the allegation was rooted in night club shooting. He stated that they discussed mental health issues, but the ultimate defense chosen was that Applicant was not present. He stated that there was a video, but they could not exactly identify Applicant off the footage. He stated that there was a mental health evaluation motion. He stated that Applicant was not making sense in the beginning of his representation, and he wanted a mental health evaluation conducted at that point. He stated that Applicant claimed to suffer from PTSD because he was shot by the victim previously. He stated that Applicant said he was not the shooter. He stated that the PTSD defense would run counter to the chosen defense, which is that he was not there. He stated that Applicant did not cooperate with the mental health evaluation.

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He stated that Applicant told the doctor that he did not like Counsel and did not want to move forward with the evaluation. He stated that the evaluation was requested to determine whether Applicant was competent, not whether he suffered from PTSD. He stated that he and Counsel Delaney determined that there was no competency issue. He stated that Applicant decided to plead guilty because a deal was finally extended after a disgruntled juror was not removed by the judge. He stated that a plea to voluntary manslaughter and ABHAN was then extended.

Counsel Delaney Testimony

Counsel Delaney stated that the trial strategy was to show that Applicant was not present. He stated that he did not represent Applicant when the competency evaluation was requested and agreed with Counsel MacDonald that they determined an evaluation was not needed. He stated that Counsel MacDonald told him that Applicant would not cooperate with the evaluation. He stated that he had no doubt concerning his competency. He stated that the club had six to eight cameras. He stated that he thought any competency issue was resolved. He stated that Applicant was shown on one camera for about two minutes and on another camera for about thirty. He stated he was comfortable moving forward with the identity issue until he was shown cleaned up videos later that clearly identified Applicant.

Applicant Testimony

Applicant testified he was represented by Counsels. He stated that Andrea Price, Esquire, was his first attorney. He stated he pled. He stated he never said he was not present at the incident. He stated he told Counsel MacDonald he wanted an insanity plea or a self-defense defense to be pursued at trial. He stated the victim previously shot him. He stated he told Counsel MacDonald that the victim shot him before. He stated that the doctor stopped the competency evaluation because Applicant asked why he was getting one. He stated that an

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evaluation was never conducted. He stated that Counsel MacDonald told him that determining a trial defense is his decision to make, not Applicant's. He stated he did not know the trial defense until the trial date. He stated that he rejected all plea deals prior to the State offering him a plea to voluntary manslaughter. He stated that he pled because Counsel Delaney screamed at him until he decided to plead. He stated that the trial defense was that Applicant was not there. Applicant stated he did not like this defense, and he wanted an insanity or self-defense defense. He stated that he told Counsel Delaney that a competency evaluation was not conducted. He stated he told him that they would offer his mental health issues up in mitigation at the plea. He stated that Counsel MacDonald told him that if he said he was insane, he is admitting he committed the crime. He stated he was not on the same page as Counsels at the plea. He stated that Counsels always wanted him to plead, and he wanted to proceed to trial because he thought the jury would acquit because of his PTSD. He stated that they never retried the evaluation. He stated that Counsels were against pursuing an insanity defense.

Findings of Fact and Conclusions of Law

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. Before this Court are Applicant's Spartanburg County Clerk of Court Records, Applicant's South Carolina Department of Corrections Records, the plea transcript, and the current PCR application. This Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. This Court has weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusion of law as required by South Carolina Code Annotated

Section 17-27-80(2)(b)
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 AMN W. COX
 SPARTANBURG COUNTY
 CLERK OF COURT

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Ineffective Assistance of Counsel

In a PCR action, the applicant bears the burden of proving allegations contained in the application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). When an applicant asserts ineffective assistance of counsel as a ground for relief, the applicant must show "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. Ineffective assistance of counsel is governed by the Sixth Amendment, as explained by the United States Supreme Court in *Strickland v. Washington*.

Pursuant to the first prong of the *Strickland* analysis, the applicant must prove defense counsel's performance was deficient. *Id.* at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). To show deficiency, the applicant must prove by a preponderance of the evidence that counsel's actions fell outside of the zone of "reasonableness under prevailing professional norms." *Strickland*, 466 U.S. at 688. See also Rule 71.1(e), SCRPC ("The applicant has the burden of establishing his entitlement to relief by a preponderance of the evidence."). Reasonableness is determined by the "variety of circumstances faced by defense counsel or the range of legitimate decisions regarding how to best represent a criminal defendant," and the scope of the reasonableness inquiry is limited to facts counsel had available at the time of representation. *Id.* at 689. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." *Yarborough v. Gentry*, 540 U.S. 1, 5 (2003) (citing *Strickland*, 466 U.S. at 690). Judicial scrutiny of counsel's performance remains highly deferential towards defense counsel with a strong presumption that counsel acted competently, because competent representation may be executed

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in virtually “countless” ways. *Strickland*, 466 U.S. at 688-89.

Second, counsel’s deficient performance must have prejudiced the applicant so that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Cherry*, 300 S.C. at 117-18. “A reasonable probability is a probability sufficient to undermine confidence in the outcome.” *Strickland*, 466 U.S. at 694.

The court makes this determination based upon the totality of the evidence. *Id.* at 695.

Realistically, this matters “only in the rarest case” because “[t]he likelihood of a different result must be substantial, not just conceivable.” *Harrington v. Richter*, 562 U.S. 86, 111-12 (2011) (quoting *Strickland*, 466 U.S. at 697).

The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. *Strickland*, 466 U.S. at 696. A court need not first determine whether counsel’s performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies; if it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. *Id.* at 696-97.

Invalid Plea

In the context of a guilty plea, the applicant must show there is a reasonable probability that, but for ineffective assistance of counsel, he or she would not have pled guilty but, instead, would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52, 59 (1985). Applicant’s right to contest the validity of a plea is usually, but not invariably, foreclosed because of the inherent solemnity and truthfulness included in the guilty plea process. *See Blackledge v. Allison*, 431 U.S. 63, 73-74 (1977). Solemn declarations in open court carry a strong presumption of verity. The subsequent presentation of conclusory allegations unsupported by specifics is subject to

summary dismissal, as are contentions that in the face of the record are wholly incredible.”).

Absent valid reasons why the applicant is entitled to depart from previous judicial admissions made at the plea hearing, statements made during the original proceeding remain conclusive.

Dalton v. State, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing *Crawford v. United States*, 519 F.2d 347, 350 (4th Cir. 1975)).

For a plea to be valid, the applicant must have been aware of the nature and crucial elements of the offense the maximum and minimum penalties, and the rights he is waiving by accepting the plea. *Boykin v. Alabama*, 395 U.S. 238 (1969); *Roddy v. State*, 339 S.C. 29 (2000). A plea is not knowing or voluntary if a defendant “lacks knowledge of material evidence in the prosecution’s possession.” *Gibson v. State*, 334 S.C. 515, 523, 514 S.E.2d 320, 324 (1999).

A defendant’s knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and “may be accomplished by colloquy between the court and defendant, between the court and defendant’s counsel, or both.” *Roddy v. State*, 339 S.C. at 34, 528 S.E.2d at 421 (citing *State v. Ray*, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). “[T]he voluntariness of a guilty plea is not determined by an examination of the specific inquiry made by the sentencing judge alone, but is determined from both the record made at the time of the entry of the guilty plea and the record of the post-conviction hearing.” *Dalton*, 376 S.C. at 138, 654 S.E.2d at 874 (quoting *Harres v. Leake*, 282 S.C. 131, 133, 318 S.E.2d 360, 361 (1984)). Further, “guilty pleas, freely and voluntarily entered, act as a waiver of all non-jurisdictional defects and defenses, including claims of a violation of a constitutional right prior to the plea.” *Whetsell v. State*, 276 S.C. 295, 297, 277 S.E.2d 891, 892 (1981).

This Court finds that the plea was entered freely, knowingly, intelligently, and voluntarily. After the State called the case, Applicant was placed under oath. (Tr. 120-21).

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Applicant stated that he was present to enter pleas on the charges against him. (Tr. 121). The Court ensured Counsels' understandings concerning the offenses and negotiations were in line with what the State had articulated. (Tr. 121-22). Applicant stated he wanted to plead instead of going to a jury trial. (Tr. 123-24). Applicant stated he understood he was waiving his right to remain silent, to call and confront witnesses, and to a jury trial. (Tr. 124-25). Applicant stated that no one threatened, coerced, or promised him anything to get him to plead. (Tr. 125). He stated he was not under the influence of drugs or alcohol, nor did he have a mental or physical infirmity. (Tr. 125).

Once Applicant raised the issue of mental health, Counsel Delaney informed the Court that he did not think the evaluation was needed and that Applicant seemingly understood all proceedings. (Tr. 126-28). Applicant stated he was taking his medication as prescribed and that it did not interfere with his understanding of the proceedings. (Tr. 128-30). Applicant stated that he was satisfied with Counsels and that they did everything he asked of them. (Tr. 130-31). Applicant stated he understood the charges being pled to, the potential penalties, and the violent, serious, and most serious distinctions, when applicable. (Tr. 131-33). Applicant stated he understood sentencing ranges, included the negotiated range for voluntary. (Tr. 134). Applicant then pled guilty on all charges. (Tr. 135-36). Applicant stated he understood he had ten days to appeal. (Tr. 136-37). Thus, Applicant entered his plea freely, knowingly, voluntarily, and intelligently and cannot be withdrawn now.

Failure to Communicate

Applicant alleges that Counsels were ineffective for failure to effectively communicate with Applicant. "[B]revity of time spent in consultation with a defendant alone is not indicative of inadequate trial preparation." *Smith v. State*, 404 S.C. 493, 500, 745 S.E.2d 378, 382 (2012).

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Applicant must show evidence indicating “how additional preparation or communication would have resulted in a different outcome.” *Id. See Jackson v. State*, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998) (where application failed to show ineffective assistance of counsel based on lack of preparation by neglecting to show evidence of what counsel failed to discover or what defenses counsel could have pursued had he more fully prepared for the case); *Skeen v. State*, 325 S.C. 210, 214-15, 481 S.E.2d 129, 132 (1997) (where applicant failed to show ineffective assistance of counsel when he did not present evidence showing how additional preparation would have impacted the trial).

Applicant has failed to state with any specificity what Counsels did not communicate with him about or why it would have caused him to proceed to trial instead. Accordingly, Applicant has failed to meet his burden of proof concerning this allegation and relief is denied as a result.

Failure to Secure Mental Health/Competency Evaluation

Applicant claims that Counsels were ineffective for failure to secure a competency or mental health report. Counsel MacDonald credibly testified that this evaluation did not occur because Applicant refused to cooperate. Counsel is not faulted by Applicant’s unwillingness to comply. Additionally, both Counsels credibly testified that they saw no issues with competence, which undercuts the need for the evaluation. Concerning mental health, Applicant’s existent mental health issues were before the plea court, who could have taken them into consideration in accepting the plea. Accordingly, relief is denied on this ground.

Failure to Pursue Defense

Applicant claims Counsels were ineffective for failure to assert a defense of insanity or self-defense. The right to assert this defense was waived through entry of an otherwise valid

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plea. Accordingly, relief is denied on this ground.

Mitigation

Applicant claims Counsels were ineffective for failing to mitigate the sentence by addressing Applicant's mental health issues. Counsel may be found deficient for failing to sufficiently investigate and present mitigating evidence. *See Council v. State*, 380 S.C. 159, 172, 670 S.E.2d 356, 363 (2008) (finding it unreasonable for counsel not to further investigate the defendant's background and present even minimal mitigating evidence obtained); *Wiggins v. Smith*, 539 U.S. 510, 521 (2003) (finding it unreasonable when Counsel failed to investigate mitigating evidence beyond a couple retained records, including the presentence investigation report and social service records); *Williams v. Taylor*, 529 U.S. 362, 398 (2000) (finding that Counsel was unreasonable for failing to evaluate the totality of available mitigation evidence). An applicant is prejudiced by this deficiency if there is a reasonable probability that a different sentence would have been imposed but for Counsel's failure to investigate and present mitigating evidence. *Council v. State*, 380 S.C. 159, 171, 670 S.E.2d 356, 362 (2008).

Counsels' mitigation strategy was reasonable. Counsel Delaney highlighted his intelligence and education and work history. (Tr. 156). He also stated that Applicant was shot by the victim before. (Tr. 156-57). He stated that Applicant did not process the prior incident well and suffers from PTSD as a result. (Tr. 157). He highlighted Applicant's lack of criminal history. (Tr. 157). He stated that Applicant is from a supportive family. (Tr. 158). He stated that Applicant was caught in a cycle of violence. (Tr. 158). He stated that Applicant was remorseful about what happened. (Tr. 158). Applicant's mother spoke on his behalf, as did his grandmother. (Tr. 159-65). This approach was reasonable and highlighted the information Applicant wanted highlighted; namely, his prior history with the victim and his mental health issues. Applicant has

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failed to show anything substantively new that Counsels did not present or how that would have impacted the sentence. Accordingly, relief is denied on this ground.

Conclusion

Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this PCR application must be denied and dismissed with prejudice.

This Court notifies Applicant that he must file and serve a notice of appeal within thirty days of receipt by counsel of the judgment entry's written notice to secure appropriate appellate review. *See* Rule 203, SCACR. Pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has the right to appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP provides that if the Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate appellate procedures.

IT IS THEREFORE ORDERED:

1. The PCR application be denied and dismissed with prejudice; and
2. Applicant be remanded to the custody of Respondent.

AND IT IS SO ORDERED this _____ day of 3/10, 2023.

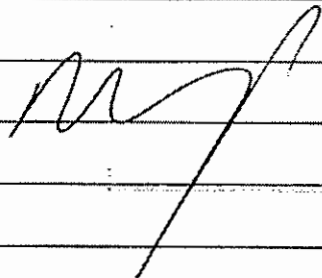
 BRIAN M. GIBBONS
 Presiding Judge
 Seventh Judicial Circuit

2, South Carolina.

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 CLERK OF COURT
 SPARTANBURG COUNTY
 AMY M. COX

WITNESSES

Spartanburg City Police Department



ARREST WARRANT NUMBER

2018A4210204306

2018A4210204309

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

(FEB 22 2019

DOCKET NO **19-GS-42-0917**

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

FEB 25 2019 TERM

THE STATE

v.

DANIEL SHAQUAN DEONTE' MEANS

Indictment for

MURDER (Count 1)

SC Code 16-03-0010, 0020

CDR Code 116

Class FEL-EXM

POSSESSION OF FIREARM

DURING COMMISSION OF A VIOLENT

CRIME (Count 2)

SC Code: 16-23-490

CDR Code: 549

Class FEL/F

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INVEST

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on FEB 22 2019, the
Grand Jurors of Spartanburg County present upon their oath:

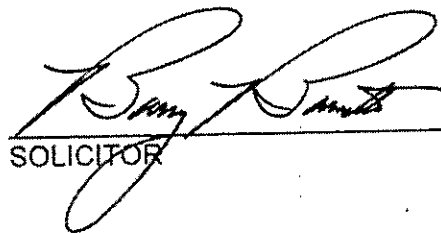
COUNT ONE - MURDER

That the Defendant, Daniel Shaquan Deonte' Means, did in the City of Spartanburg, in Spartanburg County on or about November 10, 2018, feloniously, willfully, and with malice aforethought, kill one Damien Michael Young, by shooting the victim with a firearm, and the victim died as a proximate result thereof, all in violation of Section 16-3-0010, 0020, Code of Laws of South Carolina, (1976, as amended).

**COUNT TWO - POSSESSION OF FIREARM DURING COMMISSION
OF A VIOLENT CRIME**

That the Defendant, Daniel Shaquan Deonte' Means, did in the City of Spartanburg, in Spartanburg County on or about November 10, 2018, visibly display a gun during the commission or attempted commission of a violent crime, to-wit: Murder, in violation of Code §16-23-490, *CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

WITNESSES

DOCKET NO. **19-GS-42-0918**

Spartanburg City Police Department

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

FEB 25 2019

TERM

ARREST WARRANT NUMBER

2018A4210204307

2018A4210204308

THE STATE

v.

ACTION OF GRAND JURY

DANIEL SHAQUAN DEONTE' MEANS

True Bill

Foreperson of Grand Jury

Date:

VERDICT

Indictment for

ATTEMPTED MURDER (2 Counts)

SC Code 16-03-0029

CDR Code 3410

Class FEL-A

Foreperson of Petit Jury

Date:

FEB 22 2019

2019 FEB 26 PM 2:32

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on FEB 22 2019, the
Grand Jurors of Spartanburg County present upon their oath:

ATTEMPTED MURDER (Count I)

That the Defendant, Daniel Shaquan Deonte' Means, did in the City of Spartanburg, in Spartanburg County on or about November 10, 2018, with intent to kill, attempted to kill the victim, Shenita Ann Rogers, with malice aforethought, expressed or implied, by shooting the victim and causing her to receive medical treatment, in violation of Section 16-3-0029, Code of Laws of South Carolina, (1976, as amended).

ATTEMPTED MURDER (Count II)

That the Defendant, Daniel Shaquan Deonte' Means, did in the City of Spartanburg, in Spartanburg County on or about November 10, 2018, with intent to kill, attempted to kill the victim, Jasmine Quintel Tate, with malice aforethought, expressed or implied, by shooting the victim and causing her to receive medical treatment, in violation of Section 16-3-0029, Code of Laws of South Carolina, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such
case made and provided.


SOLICITOR

274

Sorted by: Rank

LINA

SPARTANBURG

VS.

Daniel Shaquan Deonte' Means

BLACK Sex: M Age: 24

DOB: 1996 SS#: [REDACTED]

Address: Idlewood Cir

City, State, Zip: Spartanburg, SC 29307-2812

DL#: [REDACTED] SID#: [REDACTED]

*CDL ☐ CMV ☐ Hazmat ☐In disposition of the said indictment comes now the Defendant who was
TO: Manslaughter / Voluntary manslaughter

in violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.ATTEST B. B. Bulsa
BULSA, DERRICKSCB15264
SC Bar#

Defendant

DeLaney, Brendan M.
Attorney for DefendantSCB68596
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 27 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc. 910 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:	\$
§14-1-206 (Assessments 107.5 %)	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100
§14-1-211(A)(2) (DUI Surcharge)	\$100
§56-5-2995 (DUI Assessment)	\$12
§56-1-286 (DUI Breath Test)	\$25
Proviso (Public Def/Probation)	\$500
§14-1-212 (Law Enforce. Funding)	\$25
§14-1-213 (Drug Court Surcharge)	\$150
§50-21-114(BUI Breath Test Fee)	\$50
§56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$

TOTAL

\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter: Amber Payne

SCCA/217 (04/2018)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS4200917

A/W#: 2018A4210204306

Date of Offense: 11/10/2018

S.C. Code § : 16-03-0010; 16-03-0020

CDR Code #: 0116

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

Rec 20-30yrs

of the S.C. Code of Laws, bearing CDR Code # 0217

☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

(defendant's initials)

Recommendation by the State.

DeLaney, Brendan M.
Attorney for DefendantSCB68596
SC Bar#

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other:

**NO CONTACT
WITH VICTIM**☐ Appointed PD or appointed other counsel,
Proviso requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.Presiding Judge R. L. Lio

Judge Code: 2760

Sentence Date: 5/25/2021

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG
STATE VS.

Daniel Shaquah Deonte Mearis

AKA:

Race: BLACK Sex: M Age: 24

DOB: 1996 SS#: [REDACTED]

Address: Idlewood Cir

City/State/Zip: Spartanburg, SC 29307-2812

DL#: [REDACTED] SID#: [REDACTED]

*CDL ☐ CMV ☐ Hazmat ☐

In disposition of the said indictment comes now the Defendant who was

TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

INDICTMENT/CASE#: 2019GS4200917A

A/W#: 2018A4210204309

Date of Offense: 11/10/2018

S.C. Code § 16-23-0490

CDR Code #: 0549

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

In violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC) ☐ \$17-25-45
w/minor 1st or 2nd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST: B. B. B.

SCB15264

Xen M
SC Bar# DefendantDelaney Brandon M.
Attorney for Defendant

SCB68596

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 910 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

	\$	\$
§14-1-206 (Assessments 107.5 %)	\$	\$
§14-1-211(A)(1) (Conv. Surcharges)	\$100	\$
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$

TOTAL

\$168.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (04/2018)

T. Camp
Amber Payne

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning

\$ paid to Public Defender Fund

Other: **NO CONTACT
WITH VICTIM**☐ Appointed PD or appointed other counsel,
Proviso requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge

Judge Code: 2760

Sentence Date: 5/25/21

SOUTH CAROLINA

SPARTANBURG

VS.

Daniel Shaquan Deonte Means

Race: BLACK Sex: M Age: 24
 DOB: [REDACTED]-1996 SS#: [REDACTED]
 Address: [REDACTED] Idlewood Cir
 City, State, Zip: Spartanburg, SC 29307-2812
 DL#: [REDACTED] SID#: [REDACTED]

*CDL ☐ CMV ☐ Hazmat ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Assault/Assault and Battery of a High and Aggravated Nature

in violation of § 16-03-0600(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3411

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTES: B. B. Bulsa SCB15264 X Defendant Delaney, Brendan M. SCB68596
 BULSA, DERRICK SC Bar# Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
 which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 910 days

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:
 §14-1-206 (Assessments 107.5 %) \$
 §14-1-211(A)(1) (Conv. Surcharge) \$100 \$
 §14-1-211(A)(2) (DUI Surcharge) \$100 \$
 §56-5-2995 (DUI Assessment) \$12 \$
 §56-1-286 (DUI Breath Test) \$25 \$
 Proviso (Public Def/Probation) \$500 \$
 §14-1-212 (Law Enforce. Funding) \$25 \$
 §14-1-213 (Drug Court Surcharge) \$150 \$
 §50-21-114(BUI Breath Test Fee) \$50 \$
 §56-5-2942(J) (Vehicle Assessment) \$40/ea \$
 3% to County (if paid in installments) \$

TOTAL

\$ 123.75

Clerk of Court/ Deputy Clerk

Court Reporter: Amber Payne

SCCA/217 (04/2018)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS4200918A

A/W#: 2018A4210204308

Date of Offense: 11/10/2018

S.C. Code § 16-03-0029

CDR Code #: 3410

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

0-20yrs

CDR Code # 3411

☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

(defendant's initials)

☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTES: B. B. Bulsa SCB15264 X Defendant Delaney, Brendan M. SCB68596
 BULSA, DERRICK SC Bar# Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
 which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 910 days

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:
 §14-1-206 (Assessments 107.5 %) \$
 §14-1-211(A)(1) (Conv. Surcharge) \$100 \$
 §14-1-211(A)(2) (DUI Surcharge) \$100 \$
 §56-5-2995 (DUI Assessment) \$12 \$
 §56-1-286 (DUI Breath Test) \$25 \$
 Proviso (Public Def/Probation) \$500 \$
 §14-1-212 (Law Enforce. Funding) \$25 \$
 §14-1-213 (Drug Court Surcharge) \$150 \$
 §50-21-114(BUI Breath Test Fee) \$50 \$
 §56-5-2942(J) (Vehicle Assessment) \$40/ea \$
 3% to County (if paid in installments) \$

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

prmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: **NO CONTACT WITH VICTIM**

☐ Appointed PD or appointed other counsel,
 Proviso requires \$500 be paid to Clerk
 during probation and shall be collected before
 any other fees.

Presiding Judge: [Signature]

Judge Code: 2760

Sentence Date: 5/25/2021

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG
STATE VS.

Daniel Shaquan Deonté Means

AKA:

Race: BLACK Sex: M Age: 24

DOB: 1996 SS#:

Address: Idlewood Cir

City/State/Zip: Spartanburg, SC 29302-3212

DL#:

*CDL ☐ CMV ☐ Hazmat ☐In disposition of the said indictment names now the Defendant who was
TO: Assault/Battery of a High and Aggravated Nature

INDICTMENT/CASE#: 2019GS4200918

A/W#: 2018A4210204307

Date of Offense: 11/10/2018

S.C. Code § 16-03-0029

CDR Code #: 3410

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-03-0600(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3411

☐ NON-VIOLENT☒ VIOLENT☒ SERIOUS☒ MOST SERIOUS☐ Mandatory GPS/CSC☐ §17-25-45The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTES:

BULSA, DERRICK

SCB15264

SC Bar#

Defendant

Delaney, Brendan M.

SCB68396

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$ provided that upon the service of days/months/years and/or payment of \$ plus costs and assessments as applicable; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 910 days;☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§14-1-206 (Assessments 107.5%)

§14-1-211(A)(1) (Conv. Surcharge)

§14-1-211(A)(2) (DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

Proviso (Public Def/Probation)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(D) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

Clerk of Court/Deputy Clerk

Court Reporter:

SCCA/217 (04/2018)

T. Camp
Amber Payne

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

**NO CONTACT
WITH VICTIM**☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code:

Sentence Date:

2760

5/25/21